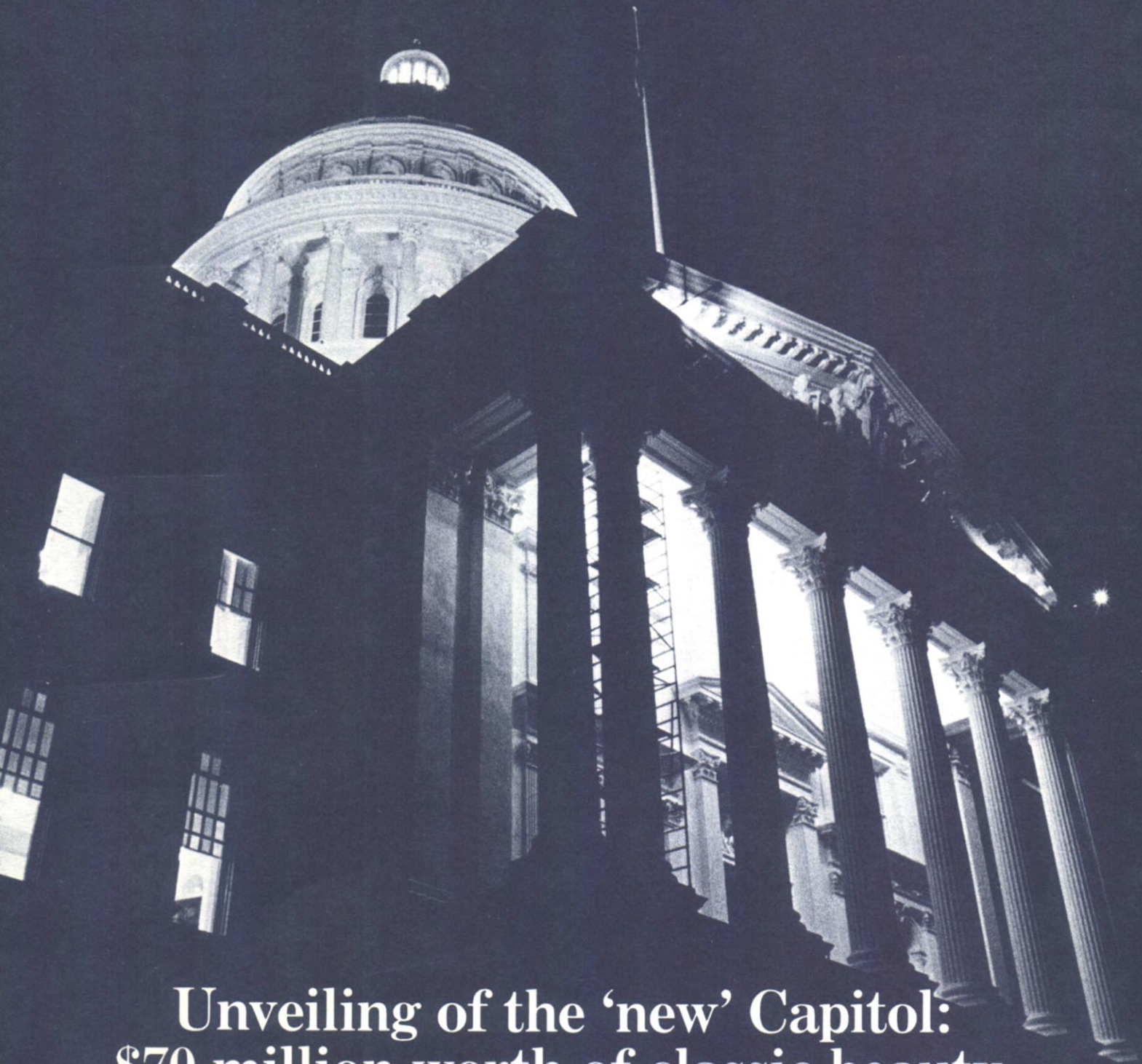


California Journal

The Monthly Analysis of State Government and Politics

January 1982/\$2.50



Unveiling of the 'new' Capitol: \$70 million worth of classic beauty

How Willie Brown solidified his speakership

Riles' struggle for political survival

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Shades of Mark Twain: Wes McClure, retired San Leandro city manager and a "range rider" for the League of California Cities, is back on the circuit after recovery from surgery. He tells his friends that he contacted the federal Medicare office to find out about the status of his account and was told: "I'm sorry to tell you this, Mr. McClure, but our records show that you died on August 21st."

Hottest story chase in the Capitol in recent months has been the effort by reporters to confirm the rumor that Speaker Willie Brown is going blind from a congenital eye disease. Brown says there is no foundation to the rumor, although some of his colleagues say otherwise.

Déjà vu: Fifteen years ago, Arthur Bolton left his job as head of the Assembly Office of Research to win fame and fortune as a consultant. Now he's back at the same old stand — with the same assistant, Connie Gebhardt. Not generally known is that Bolton did most of the spadework in the '60s that resulted in dramatic revision of the state's mental-health laws.

Anyone who attended UCLA seven or eight years ago probably will recognize the names Larry Miles and Alan Katz. Miles was student body president and Katz was his Sancho Panza. Now, both are attorneys and candidates for the

Assembly, Miles from Yuba City and Katz in the Los Angeles district coveted by Tom Hayden. Both are Democrats, and neither should be dismissed by opponents.

The Los Angeles Latino community is abuzz over the impending efforts of Assemblyman Art Torres to oust veteran state Senator Alex Garcia in the Democratic primary (which is tantamount to election). Most of the Hispanic heavyweights are with Torres, and a private poll showed that Garcia is in deep trouble.

Medical muckraker Bob Weinmann of San Jose has won a big victory over Stanford University Medical Center. Dr. Weinmann, in his *Nightletter for American Medicine*, has attacked the institution for "double billing" the government in Medicare cases. In part as a result of Weinmann's efforts, the government was reimbursed \$1.5 million. Weinmann has criticized the state Department of Public Health for not being zealous enough in tracking down those who defraud the Medi-Cal program.

A pair of federal economists have analyzed the impact of Proposition 13 and have come to a startling conclusion. According to Howard Chernick and Andrew Reschovsky of the Department of Health and Human Services, the smallest benefits went to the strongest champions of the measure — middle-income households.

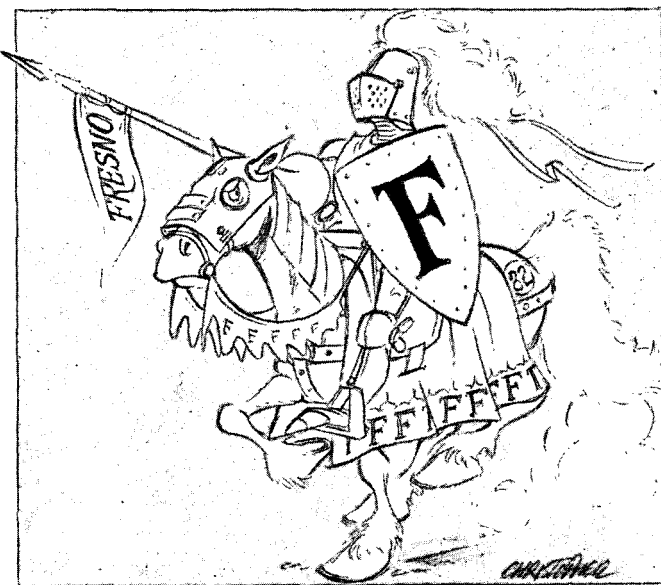
Sacramento lobbyist Joe Gonsalves, a former assemblyman, travels between Los Angeles and the capital city at a bargain basement price. Because one of his nine sons is a PSA mechanic, Gonsalves pays only \$2 for a one-way trip.

Columnist Eli Setencich of the *Fresno Bee* calls his city's candidate for the United States Senate "Mayor Daniel K. White Knight."

The campaign to qualify an anti-nuclear arms initiative for the November ballot should not be taken lightly. The committee sponsoring the measure, headed by Malibu millionaire Harold Willens, is loaded with people who know how to get things done and have the money to back up their words. And Archbishop Joseph Quinn of San Francisco is no slouch as a spokesman.

First contributions for our new word game ("Proposition 13 struck and . . .") come from Candis Cohen of the Department of Consumer Affairs. Her offerings:

- . . . the Department of Consumer Affairs became licentious.
- . . . the Banking Department passed the buck.
- . . . the Department of Food and Agriculture bought the farm.
- . . . the Department of Water Resources was washed up.
- . . . the Solid Waste Management Board trashed it in.

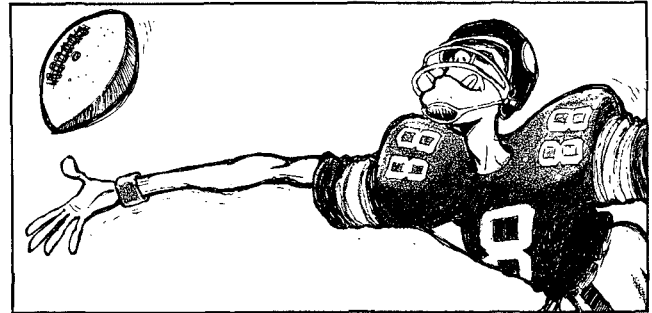


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Personal PERSPECTIVE

By Ed Salzman

Bucks for books

Probably no element of public service has been more adversely affected by Proposition 13 than our community libraries. After the Jarvis-Gann initiative was approved, local officials targeted their book-lending systems for severe cutbacks. Some branches were closed. Others were forced to operate on reduced schedules. Most were given far less money for the purchase of books and periodicals.

The California Library Association convinced the 1980 Legislature that an injection of cash was needed to bring an undernourished system back to health. Lawmakers responded by passing a bill appropriating about \$26 million for library improvement. Citing the state's precarious fiscal condition, Governor Brown vetoed the bill. This year, a similar measure by Senator Jim Nielsen is floundering in the Senate.

Within the next few months, the governor and the Legislature will again be looking for ways to reduce the cost of government. Vital government services — health, police and fire — will not be curtailed. The Education Establishment will be strong enough to prevent major cutbacks in allocations for the public schools. Should libraries be hurt again? There are two answers to that question — traditional and radical:

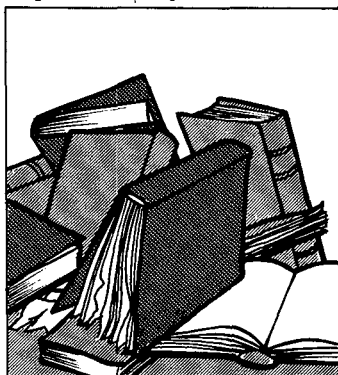
If the traditional method of library organization is maintained, there is little room for cutting — unless the state decides that it no longer wants to make information and intellectual stimulation readily available. The library systems, as they are now established, simply cannot stand much more trimming. But suppose the libraries in our communities were reorganized to eliminate overlapping and duplication. Couldn't the same service be provided at far lower cost? Look at how many separate library operations the taxpayers support in a sizeable California city:

- A municipal public library, with a large central facility and any number of branches.
- A county library system.
- A library in most public schools.
- One or more community-college libraries.
- Extensive libraries on university campuses.

Librarians, concerned with preserving their own fiefdoms, would argue that each system serves a different reading public and that mergers therefore make no sense. Hokum. At the least, it should be possible to consolidate city, county and school-district facilities — with a neighborhood library located in conjunction with every junior high or high school. (It would be even better if the higher-education facilities could be brought into the merged system, but that would involve political warfare of monumental proportions.)

Unfortunately, radical changes of these kinds are almost impossible to accomplish. It is much easier for the state government to simply reduce the handouts to various levels of local government and let cities, counties and special districts cope with the cutback problems. When dollars are being distributed, can librarians compete with firefighters, teachers, doctors and policemen in political muscle? These are going to be rough times for elements of public service without strong political constituencies.

In the case of libraries, a simple reduction of funding would make a bad situation worse. Consolidation is a solution that could save money and provide an improved level of service to California communities.



ROSTRUM

Short letters from subscribers
are encouraged.

Voice of the skier

If Ellen Drell's letter (November 1981) is not the most ridiculous manipulation of figures, I surely don't know what is. She says that wilderness is not "expanding" in California, but is "shrinking."

The cold, bare facts are that currently California has 2,725,948 acres of officially designated federal wilderness. Another 4,671,110 acres are now under consideration in Congress; 8,614,833 acres of Bureau of Land Management and Forest Service land is being studied for wilderness. In addition we have 155,560 acres of state wilderness. The House of Representatives passed this year a California RARE II bill setting aside 2.1 million acres of wilderness, with Senate approval possible this session of Congress. Some shrinkage!

Skiers should be so lucky — we have been skiing on the same 17,000 acres of California National Forest lands for over 10 years, losing each and every battle to get more of Ms. Drell's "shrinking" wilderness.

Evidently Ms. Drell concurs with the radical preservationists' misconception that every inch of land not already in wilderness, *is* wilderness, and supports their philosophy that all other vital ingredients to modern life, including non-wilderness recreation, timber, energy and mineral needs, agriculture, cattle raising, public utility and water resource uses, are just encroachments upon their private playground. California's public lands are not a present to be tied in bright ribbons and handed over as a gift to this small section of the population.

NANCY J. INGALS BEE
United States Ski Association

Geography lesson

I see in your December issue ("California's Twin Cities") a reference to "the beaches of Imperial County." Having spent two years (including summers) in Calexico, I sure would like to know exactly where those Imperial County beaches were located.

QUIN DENVIR
State Public Defender

Editor's note: Everyone knows that Imperial Beach must be in Imperial County, even though every map shows it in San Diego County.

How Willie Brown solidified his speakership

By DANIEL J. BLACKBURN

Willie L. Brown Jr. is boss of the state's 80-member Assembly and has no doubts about his role in California politics: "The speaker of California," he once told an East Coast audience, "is the closest thing you will ever know in the world to the Ayatollah." Not one of his listeners believed those words more fervently than Brown.

Since he became speaker, the actions of the dapper San Franciscan have been a mirror reflection of his personal and political style — a distinct impatience with detail and a knack for adapting to others' proposals. Rather than develop plans and policies of his own, Brown is willing to leave the daily minutiae to others. This leaves him free to concentrate on what's *really* important: the cultivation of an impenetrable leadership.

Partly by effort and partly by luck, Brown has ended his first year as speaker appearing secure, with his strength accepted if not yet tested. Democrats have discovered that they can ask and receive nearly anything they want from him — be it a committee assignment, a new shag carpet or two new staffers. Indeed, Brown's ability to deliver on his many pledges has been crucial in keeping him atop the leadership pile.

Equally vital was the bludgeoning of Republicans in the Lower House's reapportionment. This was a dramatic example of political overkill that stampeded the minority toward a corrective referendum attempt. It also embittered some Republicans who had voted for Brown and served to jell party loyalty on both sides. Today Brown is a Democratic speaker — not a coalition-elected speaker.

But perhaps the most essential ingredient in Brown's leadership recipe has been his willingness to let members travel their own lawmaking trails. This sort of legislative *laissez-faire* has produced an Assembly with the composite characteristics of its members. In the past, Assembly leaders have tried to mold the house in their own image, wielding individual power over the legislative process unmatched by anyone except the governor. Much of this muscle was relinquished by Brown during his scramble for the speakership prize. Consequently, the authority of the Lower House chief has been diluted and distributed among other members. In a way, the Willie Brown process resembles more closely the traditional operation of the Senate.

Keeping safe

Brown's strategy is emerging: He is quite aware that his position as speaker can be threatened only if 41 members of the house vote to remove him. According to Brown's thinking, the relatively simple chore of satisfying the whims of the majority keeps him safely enthroned, negating at the same time the possibility of a successful GOP-oriented insurrection.

"Forty-one votes mean I win," Brown says with conviction.

Daniel J. Blackburn of Sacramento is a free-lance writer and regular contributor to the Journal.

By surrounding himself with majority partisans, Brown can continue his song of fairness, claiming that his leadership is bipartisan but that the sheer numbers of Democrats stack the deck against the minority. Only a few hours after his election, he promised, "I will not under any circumstances use the speakership and the awesome power of the speakership to promulgate any advantage to any particular party or individual."

His first actions appeared to bolster his bipartisan claim: Six committee chairmanships and 19 vice-chairs went to Republicans during Brown's realignment of the house. New posts on the Rules Committee and on other important or desirable panels were created and made available to minority members, and additional GOP staff authorized. Offices sprouted new decor. Travel expenditure restrictions were eased.

But the organizational alteration most treasured by the minority was a remarkable agreement by Brown to allow an historic diminution of traditional speaker's power by placing the responsibility for bill assignments in the hands of Rules Committee members. By relinquishing that authority, Brown turned his back on the Assembly speaker's biggest weapon: absolute control over the flow of legislation through the house. In the hands of previous leaders, this life-or-death power was wielded like a blackjack and usually gave the speaker the final say on house issues.

Practicing magic

When the time came for the full Assembly to ratify Brown's disbursal of power, one of only three dissenting votes was cast by the vanquished challenger to the throne, Howard Berman of Los Angeles, who called the change "unwise." By spreading the authority, Berman predicted, special-interest groups would enjoy increased opportunity to manipulate the legislative process.

The house's new policies of bill assignment have met with mixed success. At the outset of the operation, the Rules Committee was erratic in its placement of legislation in committees. Some members, including some Democrats, found themselves in the uncomfortable position of having to fight against "illogical" assignments of potential legislation. Fascinated by his newfound juice, Rules Committee Chairman Lou Papan of Daly City sent bills every which way, according to the dictates of his own conscience. Eventually a more formalized procedure was developed by committee staff and implemented by the committee itself. Most members who found fault with Papan's strongarm tactics are now accepting the directives of the whole committee. The committee approach has at least made more visible the process by which proposed legislation is routed to committees for initial action. Instead of a speaker making his decisions behind closed doors, the committee now determines the early meanderings of measures.

Almost immediately upon taking office, Brown began cultivating a benevolent image. He showed up at a Ventura political event for GOP Assemblyman Charles Imbrecht, and when Democratic Party bosses grouched loudly, the speaker used the occasion to enunciate his belief that he is "speaker of *all* the Assembly, not just the Democrats." As he began

to prod his new leadership cadre into action, details of his deal with the minority caucus came more sharply into focus. For example, he had extracted a pledge that Republicans would refrain from insurrection during his two-year term in return for the procedural change in bill assignments. Also, by promising almost everything to almost everyone, Brown bought precious time to practice his magic.

"I've been waiting all year for Willie's Waterloo," says one Republican. "He was so strung out with his pledges here, his little deals there, the only real question seemed to be when his house of cards would tumble. But I'm not waiting now. Take this any way you want: Willie Brown is one amazing man."

The speaker likely would agree, but for entirely different reasons. His apparent lock on the leadership comes as no surprise at all to him. "I don't think anyone could mount a campaign against me now for the speakership," says Brown. "I don't think there is any level of unhappiness among the membership. I have not engaged in any attacks on any individual in the house. I have not exercised any reprisals. This is an atmosphere that has not been experienced and enjoyed by the house for several years, and that is understood and appreciated. Also, you don't see Willie Brown being the great spokesperson, the great author of every major piece of legislation. On the basis of these realities, I don't think there is anyone who's going to mount a campaign against me."

Brown's confidence in his own future is rooted not in blind faith but in his keen, long-range political perceptions, a street-wise instinct for survival — and an understanding that commitment means different things to different people. By embracing those who had battled so hard for others in the speakership fight, Brown accomplished what many predicted would be impossible: the successful coalescing of Democrats after a year of open war between the followers of Berman and Speaker Leo McCarthy. An excellent example of Brown's techniques has been his treatment of Democrat Assemblyman Richard Robinson of Garden Grove, who had been at the front of Berman's troops and who resisted to the end Brown's attempt to scale leadership heights. Robinson,

a relentless seeker of campaign funds, has been utilized by the speaker in a capacity certain to neutralize any future dissent. Robinson was allowed to keep his spot on the Ways and Means Committee, and the feisty former Marine also was named vice-chairman of the majority caucus. Other Berman and McCarthy backers were pleasantly surprised at Brown's apparent lack of retribution against them. They really shouldn't have been: Brown knows that a fiefdom runs more smoothly if potential rebels are kept under surveillance. What better place to put these potential dissidents than in slots within the leader's own circle, where they can be observed easily?

Brown's handling of the GOP minority was more complicated. At the beginning he was downright civil to the Republicans — so much so, in fact, that several Democrats were heard wondering if the price of Brown's leadership would be capitulation to GOP members at the expense of his own party peers. He scoffed at those notions, claiming that he "always had intended" to make changes in the speaker's traditional list of powers and, in fact, would have raised some of the issues himself if the GOP hadn't. Vesting absolute power to assign bills in one person had always been "potentially a great source of corruption," Brown asserts. "I don't even view that as a concession," he now says. "It was a positive suggested change in house procedures, and I would have been advocating that under any circumstances. It may have been viewed by some as an erosion of the power of the speakership, but I think it is an improvement in the operation of the house."

Brown also insists that he made no commitment whatever to the minority caucus regarding reapportionment — that to have done so would be inconsistent with his previous conduct. "I have always deferred to political realities. One reality is that there is a majority of Democrats in the Assembly, and any reapportionment plan is going to reflect that," he says. "It is unfair to suggest that my conduct somehow made the Republicans believe that I could reverse that natural process."

GOP chiefs who attended early caucuses with Brown are left with their own recollections of the dialogue, but they agree that speaker-candidate Brown stressed his interest in keeping Assembly districts that best protected all incumbents. He often repeated: "Trust me; I won't forget my friends."

As the first months of Willie Brown's rule slipped by, an aura of tranquility enveloped the house, and members basked in a bipartisan environment that dripped with cooperation. Robert Naylor, the minority's caucus chairman and incoming GOP leader, says he "truly enjoyed serving in the atmosphere that existed prior to reapportionment, in which we generated a truly bipartisan budget, in which Republicans were included in the decision-making process. The building of that kind of consensus was the mark of a very high degree of leadership we haven't seen in the Legislature in a long while."

The "enjoyment" may have been partly the result of a massive infusion of public dollars into the operating budget of the Assembly. (Brown engineered a 28 percent hike in his first budget, from \$35.8 million when he took office, to \$46 million. Staff numbers in the Capitol and district offices have swollen to 1,123 from a previous total of 984 just one year ago — a fact attributable to Brown's generous distribution of committee assignments to key members.)

Then came reapportionment, and Republican Assembly members stopped cooing about consensus and bipartisanship. Says Assemblyman Naylor now:

"Every member of our caucus was bitterly disappointed (following unveiling of the Democratic plan for reapportionment), and it is going to take a long time for Willie to earn his way back into the trust of some. I still don't think he was

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flat-out lying to us, but it was an incredible piece of acting and deception, I'll tell you that."

Some other Republicans are more charitable in their assessment of Brown's partisan direction. They insist that Brown sincerely believed that he could keep the many commitments made to minority members, and that he broke promises only as it became evident that it was beyond his power to make good on them.

"Willie's own supreme confidence in his ability to do whatever he wants to do probably led him to overstate his intentions," says one GOP boss. "It's easier to think that, than to live with the idea that he intentionally misled us."

While coping with the complexities of reapportionment, Brown also worked to solidify Democrats in support of his leadership. His vehicle for this effort, again, was money. Despite a personal disdain for fund raising, Brown nevertheless knew what was needed.

Some Democrats were disturbed by the renewed militancy of the majority and its growing appetite for campaign dollars. "The year started out very intense, from a political standpoint," says one. "We were facing not only the reapportionment but a new leadership that was saying to us in private that we must get organized as a party. We must get new Democrats elected, we must protect incumbent Democrats and we must raise a lot of money to accomplish this. One might expect this in an election year, but it seemed very out of place in a non-election year. The (Democratic) caucus went out the door saying it had to raise all the money it could get its hands on — and the result was a lot of crude and unsightly efforts to do that."

Insensitivity to public criticism by some majority caucus chiefs has enhanced the cash-collecting atmosphere. "Some of them don't understand what unethical conduct is and can't comprehend a conflict of interest," complains another member.

Rather than suppress these proclivities on the part of his colleagues, Brown has found ways to harness and use them. Under Brown's leadership, the lower house is gaining a dubious reputation for permitting big money to overly influence the outcome on important, special-interest bills. One widely publicized example last session was the so-called new-cities bill, authored and shepherded by Brown's chief lieutenant, Mike Roos of Los Angeles, the majority

floor leader. (See "Lesson of the 'new-cities' fight," *CJ*, December 1981.) Roos and others received a total of more than \$55,000 from the bill's promoters, most of it within days of critical committee and floor votes on the proposal. Willie Brown's campaign coffers gained \$7,000, thanks to the new-cities bill and his support of it. As the session's first half ended in its usual turmoil, other bills with special-interest overtones zipped through, aided by campaign contributions which were being passed around with little effort to conceal them.

Some Assembly members expressed dismay over the damage to public image, but their voices were lost in the end-of-session chaos. After adjournment, a group of Democrats met with Speaker Brown to discuss the money blizzard and its effect on the lawmaking process. Assemblyman Tom Hannigan of Fairfield, one who attended the session, later described its purpose to Capitol reporters: "We were asking how to clean up our act in 1982."

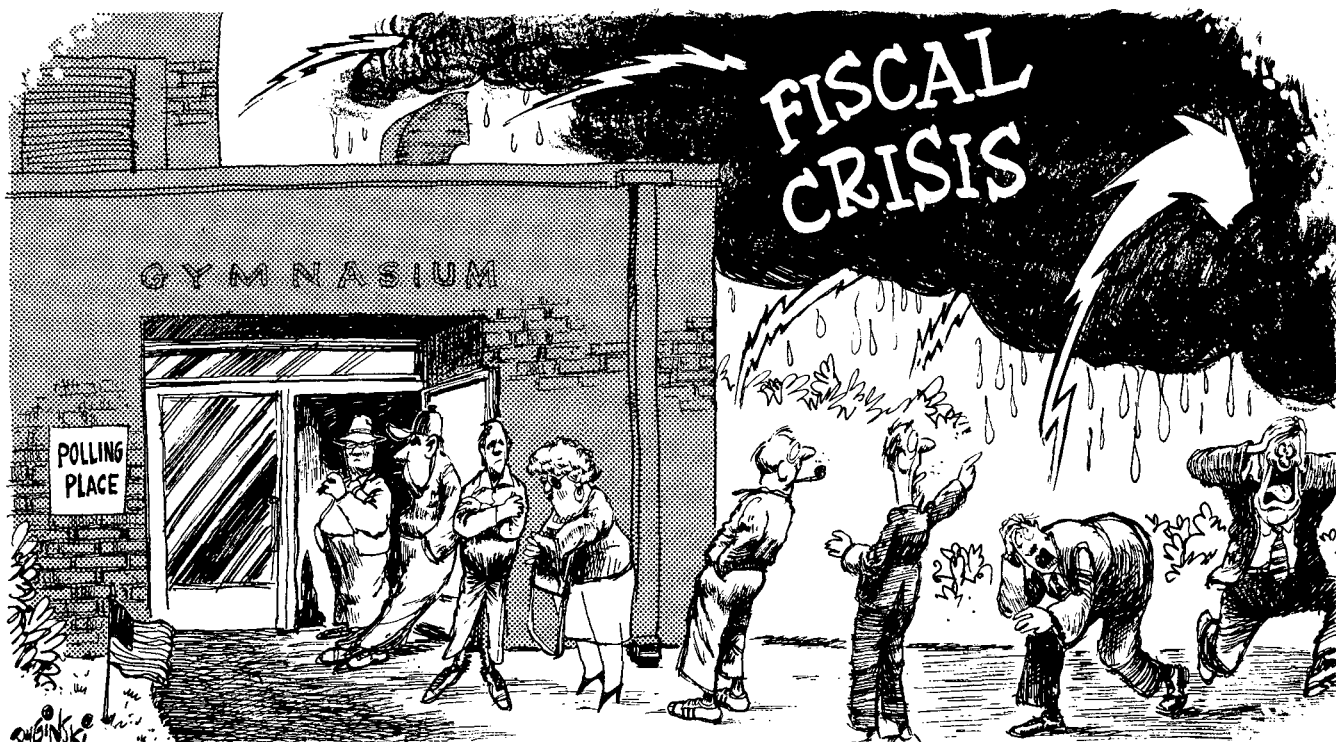
But dissatisfaction with some fund-raising aspects of the leadership's program has apparently not translated into unhappiness with Speaker Brown himself. His willingness to let Assembly members raise cash without question — coupled with his hard-line stance on the Democratic-designed reapportionment map — have secured his spot at the top.

Democratic Assemblyman John Vasconcellos of San Jose, whose chairmanship of the potent Ways and Means Committee survived the leadership transition, views the situation in pragmatic terms: "Things have changed," he admits, citing the Legislature's collective attitude about fund raising and the skyrocketing cost of campaigning and getting re-elected. Vasconcellos predicts there will be eventual public financing of political campaigns, "or we will see the end of representative government as we know it."

Willie Brown won't stand idly by and let that happen. He spent 17 years grooming himself for the speaker's job, and he says it is the one that he wants to keep for a long time. Being speaker, he says, should be enough to satisfy the most massive of egos and political appetites. "Even mine," he adds as an afterthought.

But the egos of his fellow Assembly members will not be neglected, either. Brown knows that happy subordinates do not often revolt. And he never forgets the mystical quality of the number "41."

The fiscal-crisis link to the June ballot measures



By ED SALZMAN

The most important votes cast by Californians this year may not be the ones that produce a governor, a United States senator and a variety of statewide and legislative officeholders. These contests between parties and politicians could play a secondary role to decisions that will affect the budgets of almost every agency of state and local government in California.

California now faces a genuine fiscal crisis. Within the next few months, Governor Jerry Brown and the Legislature will be forced to make drastic program cuts or raise taxes or both in order to keep the state in the black. The huge surplus that kept government afloat after the enactment of the Jarvis-Gann property-tax initiative has been spent. Revenues are below expectations. Expenditures are running ahead of budget. And the cutbacks in Washington are taking their toll at the state and local levels of government.

Given that fiscal state of affairs, California voters will go to the polls in June and decide the fate of these measures:

- **Two initiatives** that would virtually abolish the state inheritance tax. If either is passed, state revenues would be cut about \$150 million the first year (and almost \$500 million in future years).

- **An initiative** sponsored by Howard Jarvis that would make permanent the cost-of-living indexing of the

state income tax. (This would replace the current law which has a temporary full-indexing provision but also a permanent clause placing an annual 3 percent lid on the amount the state can capture from inflationary increases in income-tax levies.)

- **The Peripheral Canal** referendum with its financial implications. Even though the sponsors insist that the water project would not have any impact on the state general fund, opponents claim that the canal and its allied projects would cost billions of dollars and would be a burden to the general taxpayer. Former Assemblyman Doug Carter of Stockton, an opponent, feels that the canal will be defeated in June on fiscal grounds alone.

- **A bond issue**, sponsored by the Brown Administration, to provide \$495 million for jail and prison construction. Passage of this measure would have little immediate impact on the budget, but it will test the mood of the voter on public spending at a time when the voter is supposed to be aroused about the crime issue.

(Thus far, the only other proposition that has qualified for the ballot is relatively unimportant. It is a proposed constitutional amendment that would remove the lieutenant governor as president of the state Senate. However, the Legislature could add more items to the ballot this month.)

Perhaps the most significant ballot measure of the year will not be placed before the electorate until November — if at all. The California Teachers Association is spearheading a four-month drive by public employees to qualify an initia-

tive for the November ballot that would dramatically recast Proposition 13. Here are the main provisions of the CTA proposal, which would provide an additional \$1.3 billion the first full year for government in California:

- **Homeowners** reaping the full benefits of Proposition 13 would continue to do so.
- **Those who bought** homes after the effective date of Proposition 13 would get additional benefits.
- **Renters would get** income-tax credits of \$100 for a single person and \$200 for a family.
- **Agricultural land** would be free of increases in assessment.
- **Industrial and commercial** properties would be placed on a separate assessment roll and would be reappraised at current market values.

The public perception

This split-roll system has been under discussion in Sacramento for years — even before Proposition 13 was enacted. Public employee groups have threatened to place it on the ballot by initiative in prior years but have held off when the state managed to come up with enough money to keep most constituent groups happy. Now the budget picture is such that the teachers and other public employees cannot expect increased allocations from available resources.

How the voters respond to these financial-impact measures will probably depend on the economic mood of the nation, as well as how the California public perceives the severity of the fiscal crisis in Sacramento and in city halls and county courthouses throughout the state. Is the fiscal crunch genuine, or will the voters believe that there is still plenty of fat that can be melted out of the government body? This is the picture that is being painted by the Brown Administration:

Even before dealing with the harsh reality of next year's budget, the Legislature must come to grips with a precarious situation in the current fiscal year. The Brown Administration has frozen funds for school construction, has ordered a 2 percent cutback in spending for state operations and is hoping to get lawmakers to delay some public-works projects. If revenues do not decline further during the rest of the year, the state would start the new fiscal year July 1st with a balance of only \$10 million. In effect, the state would be flat broke. And if the economists are right in predicting that the economy is going to slide further, additional cutbacks will have to be made in order to prevent the state from ending the year in the red — something it is not allowed to do under the state constitution.

How did the state get into this situation? Back during the Pat Brown and Ronald Reagan administrations, the com-

The exhibition season line-up

The official lineup for the June primary election will not be known until the close of filing on March 12th, but here is a list of well-known candidates who have taken at least initial steps toward seeking statewide partisan office:

Republican

Mike Curb, lieutenant governor
George Deukmejian, attorney general

Ted Bruinsma, law school dean
Robert Dornan, congressman
Barry Goldwater Jr., congressman
S.I. Hayakawa, incumbent
Pete McCloskey, congressman
Maureen Reagan, businesswoman
John Rousselot, congressman
John Schmitz, state senator
Pete Wilson, mayor of San Diego

Marz Garcia, state senator
Carol Eallett, assemblywoman

Gordon Duffy, assemblyman

Ernest Dronenburg, member of Board of
Equalization
Jack Ford, businessman

George Nicholson, assistant attorney general
Dave Stirling, assemblyman

Governor

Democratic

Tom Bradley, mayor of Los Angeles
Ken Cory, state controller
John Garamendi, state senator
Mario Obledo, state health and welfare secretary

United States Senate

Jerry Brown, governor
Paul Carpenter, state senator
Daniel K. Whitehurst, mayor of Fresno

Lieutenant Governor

Leo T. McCarthy, assemblyman

Secretary of State

March Fong Eu, incumbent

Controller

Dan Boatwright, state senator
Alexander Pope, Los Angeles
County assessor

Treasurer

Jesse M. Unruh, incumbent

Attorney General

Omer Rains, state senator
John Van de Kamp, Los Angeles district
attorney

bination of a strong economy and rising taxes kept state spending rising at the rate of 11 or 12 percent a year. In the mid-'70s, the state went into a period of phenomenal economic growth, and state revenues grew at a rate of 18 to 20 percent a year without any increase in taxes. The skinflint policies of Jerry Brown produced an enormous surplus of some \$5 billion. At the local level, property tax collections also increased at a high rate, but local officials could not hold down spending the way Brown did. The result was the tax revolt of 1978.

It is widely known that Proposition 13 cut some \$7.4 billion in property taxes the first year it went into operation. State and local government probably could have survived that jolt had it been the only element in the tax revolt. However, the Legislature enacted income-tax indexing at about the same time. In the current fiscal year, indexing is costing the state some \$2.5 billion in revenues. Within a few years, the cumulative effect of indexing will have surpassed the impact of Proposition 13, according to Director of Finance Mary Ann Graves.

"If you believe in the Laffer Curve," adds Graves, "revenues were going to roll back into government." Instead, in the years since the tax revolt, revenues dropped back to the 11 to 12 percent level. Adjusted for inflation, the increase was less than 1 percent a year, compared to almost 10 percent a year prior to 1978. "This is empirical evidence that the Laffer Curve does not work," says Graves. (Under the theory of economist Arthur Laffer, cuts in government tax rates stimulate the private sector and thus produce more tax revenues than before.)

An empty piggy bank

The state lived through the past few years on its surplus. This year, Brown attempted to keep a reserve of some \$600 million in the budget as a hedge against adverse economic conditions. The Legislature trimmed the reserve about \$200 million. Then came unanticipated expenditures, such as higher-than-expected Medi-Cal outlays and the cost of fighting the Medfly. The Reagan Administration placed additional pressure on state government. (Example: The Medi-Cal formula was changed from 50-50 to 53-47 at a cost of \$50 million to the state.) Perhaps most significantly, the Department of Finance and private-sector economists were too optimistic in estimating state revenues. "We thought we would be in a recovery period," explains Graves. "The recession has been much deeper and longer than we anticipated." In the first quarter of the current fiscal year, the tax collections fell some \$310 million short of budget. The second quarter was closer to budget.

So the state starts planning for the next fiscal year without anything left in the piggy bank and with expendi-

tures running ahead of income. The Department of Finance says it needs a "prudent" reserve of \$750 million. Caseload increases in social programs will cost the state some \$400 million more. Then there are the laws that require that cost-of-living adjustments be made. That's \$1.2 billion — without any pay increases for state employees.

Nobody has yet come forth with a proposal that will make ends meet. Lawmakers have been discussing plans that would raise the so-called sin taxes on alcoholic beverages and tobacco products. As a one-time shot, the state will probably accelerate collection of taxes withheld by employers from employee paychecks. And interest on unpaid taxes will probably be increased. Local government will get some aid through increases in motor-vehicle taxes, but that will take some time to take effect. Every item in the state budget — including aid to local government — will be fair game for the guillotine.

The public cannot be expected to understand the nuances of government finance. Indeed, there are relatively few members of the Legislature who are truly knowledgeable about the budget. But clearly the voters will get the message that the tax revolt has drawn plenty of blood. The screams will be coming from public employees, from students in public universities, from health providers and from anyone else with a stake in the level of state funding for services.

Will the public continue the tax revolt by voting in favor of the inheritance-tax and income-tax indexing measures on the June ballot? Somehow, will the hand-wringing in Sacramento convince voters that this is not the time to be building massive new water facilities and new prisons? Or will the public be convinced that there is a genuine need for more money in government and go the other way on some or all of the ballot measures?

Even if the voters reject all these measures, the Legislature will not be able to avoid some politically difficult decisions. Raising taxes in an election year is considered dangerous to the political health of officeholders. Every item in the state budget has a constituency somewhere — or else it wouldn't be in the budget. And the proposed split-roll initiative — even if approved in November — would not spell relief in the next fiscal year, because the budget must be approved five months before the split-roll plan would go on the ballot and more than four months into the state's fiscal year.

Against that backdrop, the opponents of the Peripheral Canal could hardly have picked a better time to place their referendum on the ballot. Now, they face the job of convincing voters that there is a connection between the overall financial condition of the state and the mammoth project to move liquid gold from one part of the state to another. 🏠

Newsmakers

The Collins factor

Governor Brown's new chief of staff, **B. T. Collins**, was a major factor in the departure of two state department heads. **Pearl West** resigned as head of the Youth Authority and unleashed a blast at Collins. The controversial West said she had bitter differences with Collins and had urged Brown to fire

him. **Al Loeb** quit as head of the state Mental Health Department following a dispute with Collins over a television commercial promoting mental health among homosexuals. Loeb said the fight with Collins was *not* the prime reason for his decision to return to retirement . . . **Antonio Amador**, head of the Youthful Offenders Parole Board, replaced West.

Roy E. Simpson, state superintendent of public instruction from 1945 to 1962, died at 88 . . . **Walter L. (Les) River**, Los Angeles County Democratic chairman from 1971 to 1977, died at 78 . . . **James Bellows** resigned as editor of the *Los Angeles Herald-Examiner* to become managing editor of a television program entitled "Entertainment Tonight."

The Rafferty factor in the race against Riles

By RODNEY G. MINOTT

Max Rafferty has returned to the California political arena. No longer is he considered a political leper — cast out to a remote campus in Alabama to contemplate the decline and fall of his colorful career in California.

Remember the “Blue Max,” the controversial superintendent of public instruction in the 1960s? The articulate spokesman for the conservative cause entered the Republican primary for the U.S. Senate 14 years ago and dumped the incumbent, moderate Tom Kuchel. Rafferty was



PRAT



BAKER



FERRARO



HONIG

soundly whipped by Alan Cranston a few months later. Then, in 1970, Rafferty was ousted from the superintendent's office by one of his executives, Wilson Riles. Rafferty has been out of California politics since that time.

Riles is now seeking his fourth four-year term as superintendent despite earlier indications that he would probably retire following his current term. Anticipating a run at an open spot, prospective candidates started preparing to fill the vacuum. When Riles decided to run again, some members of the Democratic establishment — including Assemblyman Gary Hart and former Assemblyman Dennis Mangers — had to retreat because they have some of the same bases of support as Riles.

But the woods are now loaded with aggressive candidates seeking to take advantage of the widespread perception that the public schools in California are not doing a very good job. Test scores indicating poor student performance in California have led candidates to call for a return to the basics of reading, writing and arithmetic, more homework, more discipline, more respect for authority, less bureaucracy. In 1969, Riles accused Rafferty of mismanaging the state Department of Education and of failing to provide the leadership needed to elevate standards of education in California. Now Riles is getting the same treatment from his opponents — and Rafferty is no longer a dirty word.

Two of the candidates have sought endorsements from Rafferty and have received his seal of approval. They are

Richard Ferraro, veteran member of the Los Angeles Board of Education, and Gene Prat of San Francisco, former assistant to Republican United States Senator S. I. Hayakawa. Two other candidates have been extremely active — Sheldon S. Baker, immediate past president of the California School Boards Association, and Bill Honig, a member of the State Board of Education and superintendent of a small Marin County school district.

As the campaign starts to generate heat, here are some of the major issues that should arise:

- *Quality of education and the leadership of the incumbent.* Riles' 11-year record will be open to various in-

terpretations, but the large field indicates that he is less than entrenched. The challengers are blaming him for the “mess” in the schools and are hammering away at the traditional-education theme as a means of improving results at lower cost. Riles takes a more complex view of the problem, arguing that more money is needed. Riles points out that California ranks 44th in the nation in public funding for education — right behind Mississippi. But is this the time to be proposing, in effect, higher taxes? Although admitting some past mistakes, Riles staunchly defends his reform efforts, especially the School Improvement Program (SIP). Educators have given the SIP mixed reviews, and cynics claim that the program was designed to enhance Riles' attractiveness as a candidate for the United State Senate. Riles attributed declining test scores during the past decade to social factors, while opponents charge that they are the product of insufficient leadership. Recent results show a slight improvement, allowing Riles to claim that he has turned the tide.

- *Public opinion on education.* Will the public buy the contention that public education is too complex a subject for simplistic solutions? Polls show that citizen sentiment toward the public schools is at an all-time low in California. Sponsors of the voucher and tax-credit plans have used this public view as the foundation for their campaigns to revolutionize school funding. Candidates will be emphasizing that Riles has 12 years to shape up the schools.

- *Thunder on the right.* The endorsement of candidates Prat and Ferraro by Rafferty undoubtedly will be employed as a weapon in education circles by the pro-Riles forces. A major question is how big a role New Right state

Rodney G. Minott is a graduate of the University of California at Berkeley, an ex-White House intern and former writer for an advertising firm in Sweden.

Senator H. L. Richardson will play in the Ferraro campaign. Richardson will be busy in other campaigns, and it is too early to determine how much energy and financial support he will be able to direct into the Ferraro effort. The Riles campaign rates Ferraro as the biggest potential threat because of his successes in Los Angeles races.

- *Latent racism.* Behind the scenes, there is already talk that Riles could be hurt by the presence of another black, Mayor Tom Bradley, at the head of the Democratic ticket. Race has never before been an issue with Riles, who has sold himself to the public as a career educator concerned primarily with school problems.

One of the important factors in the campaign is how the shakedown process occurs among the candidates crowded on the right. The election works this way: Any candidate who receives a majority of the vote in June is elected. If no candidate receives more than half the vote, the two top vote-getters compete in a runoff in November. This means that, for Riles, the size of the field is not as important as the vigor of the opposition. A vote for any opposition candidate in June is a vote to deny him an early victory. Four years ago, Riles faced seven candidates in the primary. All of them combined spent only about \$17,000, compared to \$103,000 for the incumbent. Yet Riles captured only 52 percent of the vote, barely escaping a runoff election.

This year, with stronger candidates spending oodles of money, Riles will have to mount a masterful campaign to avoid a runoff. Is it possible that Riles could be beaten in the primary by two other candidates finishing ahead of him? That seems unlikely, mainly because Riles will have strong support from many elements of the state's Education Establishment. Here is an assessment of the other candidates seeking the right to oppose Riles head-to-head in November:

Louis (Bill) Honig Jr. Once a Riles ally, Honig was the first challenger off the starting blocks. A six-year veteran of the state Board of Education, the 44-year-old Honig comes from a wealthy family (advertising business) that has been helping him pay for media attacks on Riles. Honig has worked as a teacher, attorney and as superintendent of the Reed Union Elementary School District in Marin County. Honig wants a return to basics, combined with more homework and more discipline. He points to his own successes at Reed, but others say he is taking credit for programs that were started before he joined the district. Because he was a political unknown, Honig has been advised to start his attack early. He started his television advertising a full year before the primary at a cost of about \$125,000. Did Honig waste the money? Apparently he decided that his campaign needed a new strategy, because he shifted from Harvey Englander and Associates in Los Angeles to the Capital Services consulting firm in Washington, D.C. (The Washington firm employs the talents of former Carter hands like Jody Powell.) Honig may have a problem explaining how, not too long ago, he was a supporter of the Riles theory that money is the problem. Since that time, with Riles in the race, Honig has changed his tune. He has moved to the right and has emphasized that the problems are ideological rather than fiscal. Honig claims to have raised \$450,000 of his \$1.2 million goal.

Sheldon S. Baker. In the center, Honig must compete with Baker, a 16-year veteran of the Glendale school board and the immediate past president of the California School Boards Association. Baker, a 44-year-old attorney, prides himself on not being a professional educator and yet being a strong supporter of the public school system. He considers leadership the top issue and says Riles is so busy defending a bureaucracy that he cannot move education forward. Baker will get most of his support from school board members, but that is not the heart of the school establishment

which consists of teachers and administrators. He has one significant advantage over Honig: a Southern California base. Baker may have trouble raising enough money to keep up with the other candidates, but he is a pleasant and articulate man who may impress any voters he meets.

Gene Prat. The theme of Prat's campaign is "For the Children's Sake," which is suspiciously similar to Riles' old slogan, "For the Children." The 42-year-old former assistant to Senator Hayakawa holds a doctorate in education from the University of California at Berkeley. He was at Hayakawa's side during the turmoil at San Francisco State but was unable to parlay his position into political office, losing a race for sheriff of San Francisco to Dick Hongisto in 1975. Prat promises to dismantle a large hunk of the state Department of Education if elected. He is given to rather sweeping rhetoric, claiming he is on "a crusade to save the public schools." He also boasts of being an outsider and contends he is the only candidate who is not "an apologist for the education establishment." His campaign is being run by the Peck-Liggett Group, and Prat hopes to get through the primary without spending more than \$300,000.

Richard Ferraro. The 57-year-old senior member of the Los Angeles School Board is, in a sense, the proper recipient of Max Rafferty's blessings. As in the case of Rafferty, nobody seems to be neutral about the conservative Ferraro. One of Ferraro's colleagues once said: "There's nothing good anybody can say about him. His antics . . . are not fitting for a public official." Twice, he was formally censured by the board for his grandstanding, interruption of colleagues and other conduct. He calls himself "Dr. Ferraro" — the product of an honorary degree from Pepperdine University. Without question, Ferraro will be the most conservative candidate in the field. He has indicated he will spend about \$500,000 in the primary.

Other candidates. There are usually plenty of candidates seeking the superintendent's job, but most of them get relatively few votes. Among those who intend to run are Myron Lieberman, a Modesto education consultant and supporter of the voucher finance plan, and Georgia Marshall, a principal in the Lawndale school district and a candidate against Riles in 1978.

How will Riles defend his incumbency against his attackers? His failure to retire at 64 saddened some of his friends, who had hoped he would bow out as a senior statesman in the state's education field. Nevertheless, he has some assets:

- *The political acumen* of his close associate Marion Joseph, who masterminds his campaigns and who may well be more influential than Riles himself in running the state Department of Education.

- *Support from* those elements of the Education Establishment — mainly teachers and administrators — who agree with Riles that more money should be pumped into the school system.

- *Riles' personal qualities.* He is a huge and warm man with a resonant voice and a charming personality. These characteristics undoubtedly have helped him a great deal in previous campaigns.

In the early going, Riles has ignored most of the candidates with Ferraro the major exception. His strategy has been to focus public attention on a "small group of right-wing radical legislators" attempting to control the schools through Ferraro. In effect, Riles will be using the same tactic against Ferraro and the field that he used successfully against Rafferty in 1970.

But these are the 1980s, supposedly the decade of the conservative revival in America. Can the anti-radical pitch be sold to a public which is upset about the quality of education, by the man who has been titular steward of the public school system for almost 12 years? 

The Democrats' dilemma: How to stop hating Tom Hayden

By MICHELE WILLENS

It looked like your basic Political Dinner: one of Beverly Hills' overused hotel ballrooms; the familiar-tasting, color-coordinated meal; the introductions of the celebrated figures in the audience; the speeches that go on a bit too long.

Yet, this was a dinner with a difference. It was sponsored by an organization that one might expect would hold its fund-raisers in union halls or on farm fields. However, the Campaign for Economic Democracy — the five-year-old political offspring of activist Tom Hayden and actress Jane Fonda — has spent the past year trying to play ball with the state's Democratic Party. And if that means holding a big dinner in an Establishment style, so be it.

It was a risk for CED in that it asked supporters (who pay \$15 annually) to dole out \$100 each for the November dinner. About \$30,000 was raised. The event was a visual and successful demonstration of how far CED has come in getting past its "fringe-left" image. Yes, Cesar Chavez was there, but so was former Governor Pat Brown. Gloria Steinem attended but so did Assemblyman Mel Levine. A sprinkling of Fonda friends from Hollywood were there; yet the master of ceremonies was not Ed Asner (he was seated in the crowd) but Southern California Democratic Party chairman Peter Kelly.

If the dinner was a risk for CED, supporting it was even more so for some of those Regular Democrats like Kelly, Brown and Levine. All had faced pressure from various forces not to attend. Each, in the end, had made the decision to do so anyway. For Kelly, the choice was particularly a gamble, since he is hoping to be the next state chairman of the party. Pat Brown went so far as to serve as chairman of the event. (Although he shrugs off suggestions that he was pressured not to participate, some contributors to Brown's Institute of Government Affairs did threaten to pull as much as \$10,000 if he took part, according to informed sources.)

Brown explains his decision this way: "I'm deeply concerned over the trickle-down theory of Reaganomics and I'm trying, as sort of the senior statesman, to unite all the liberal forces. I include the Campaign for Economic Democracy among those. Its program has great points to it. I don't like to see Hayden made the only center of attention,

because the principles of CED are so important."

But therein lies the current dilemma of the Democrats: Can they accept the Campaign for Economic Democracy and the progressive issues it embraces, or is their discomfort with Tom Hayden too overwhelming? Many observers have always suspected the organization was merely a front for Hayden's own political ambitions, partially because it was born out of his bloody 1976 Senate battle against John Tunney. That fear has now surfaced again with Hayden's plans to run for the state Assembly in the 44th District, a district encompassing some of the most liberal sections of West Los Angeles.

"Tom as a candidate does change the situation," says state Democratic Chairwoman Nancy Pelosi, who clearly feels less affectionate toward CED than does her Southern Democratic Party leader Kelly. "It just feeds the fear that CED is only there to promote him."

Kelly points to the fact that CED infused last year's state convention with 400 delegates and got one of its members, John Means, elected party treasurer. "CED has had a tremendous influence on the party," Kelly says. "They've been responsible for bringing in bright new people from all over the state who have never been involved with party politics."

Pelosi is less certain: "CED certainly hasn't done a disservice to the party — and my view is we don't decide who can and can't participate. We welcome everyone. But it remains to be seen if it has had any impact. There is no measure of what they've done

so far. Yes, we've had an increase in the number of young Democrats involved, but I don't know how much of that is attributable to CED. We have spent the whole year organizing, and that has made a difference. So has Ronald Reagan."

Pelosi says there has been pressure on her from many rank-and-file Democrats to keep a close eye on CED and Hayden. "It is a situation many Democrats feel uncomfortable with," she says. "They are questioning whether CED is just using the party to help Hayden move forward — but then there is always skepticism of any group that revolves around one person. When he became a candidate, especially, I heard from many people who said, 'See? It's all a big setup.'"

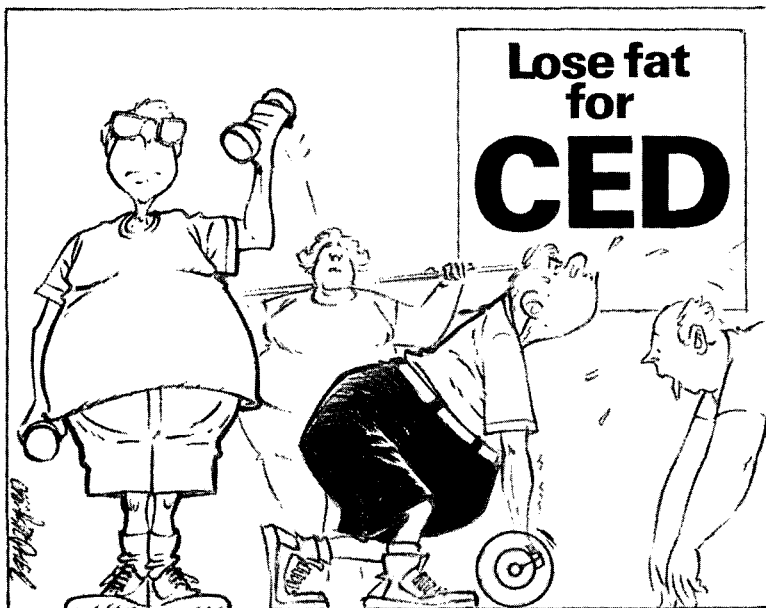
"There is also resentment that Hayden gets all this attention," Pelosi adds. "When are *you* going to do an article about the party, for instance? I think the bottom line will be in how they (CED members) operate this year, whether they spend all their time helping Hayden get elected, or whether they're out helping with our huge registration campaign."



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If there is skepticism toward Hayden and CED among some rank-and-filers, there is downright fear and loathing of him among Democratic legislators. So far, not one has endorsed Hayden in his Assembly effort, although campaign manager Michael Dieden hopes that will change, especially since Gregory Peck's son, Carey, took himself out of the race, leaving Hayden the current favorite.

"Hayden is not perceived well in the Legislature," says Democratic Assemblyman Herschel Rosenthal. "People view this race as a stepping stone for him, though I don't know why that (makes him) different from anyone else. Republicans just hate him, and Democrats fear he will



embarrass them, first as a candidate and then as a legislator. I personally don't have many disagreements with him, although he probably would create problems if he were elected. He could be a rabble-rouser, and I'm not sure that's what we need right now."

The Democratic legislators are terrified for two reasons. First, Republicans may try to link Hayden's candidacy and liberal views with all other Democratic candidates, possibly damaging the whole slate. Already a group called the Lincoln Clubs Political Action Committee has committed itself to make sizeable contributions to candidates this year, using Hayden as its target.

Secondly, Democrats are worried about Hayden's possible actions in the Legislature. Would he raise controversial issues, refuse to be a good team player — or simply get too much media attention?

Several sources report that the Assembly Democratic leadership had been prepared to spend time in the 44th helping Carey Peck against Hayden. There is little question that pressure was put on Willie Brown to "de-Haydenize" the 44th when drawing up reapportionment lines. Orange County Assemblyman and rabid Hayden-hater Richard Robinson has admitted to applying such pressure. There was even some talk of collapsing the district entirely. At one point the very liberal area of Venice had been taken out of the 44th, which led to some furious counter-activity. Reportedly Governor Jerry Brown got involved then and, in the end, most of Venice was put back into the 44th.

Loyal friend, worried father

As Brown embarks on his run for the U.S. Senate, he remains loyal to Hayden, even though he has probably been more hurt than helped by the relationship.

"Hayden and Fonda can hurt Jerry," says a worried

father, Pat Brown. But the governor's media adviser, Lu Haas, isn't so sure. "I personally think that has run its course," says Haas. "You just can't keep beating a dead horse, and I think it (the Hayden-Fonda-Brown tie) has little credibility anymore. On the other hand, I don't think we'll ever get rid of the connection. This is a bread-and-butter issue among right-wingers who won't let it die. It's a form of red scare."

Although Jerry Brown did not appear at the CED dinner, Haas insists there is no attempt on Brown's part to place distance between himself and Hayden.

At this point, there are two key questions: Can CED find happiness within the Democratic Party, standing on its own without Tom Hayden? And can Hayden get himself elected to office?

The answer to the first is probably. CED now has about 11,000 members in more than 30 chapters throughout California, and it has helped elect about 50 CED members to local boards and offices. It has also had significant victories on issues, most notably in the fields of rent control, solar energy and toxics. CED was active in lobbying for the recently passed \$100 million "superfund" for cleaning up poisonous dumps.

Now operating on an annual budget of \$500,000, CED conducts various projects such as an environmental cancer study and the Laurel Springs Children's Camp in Santa Barbara. A chunk of its money comes from celebrity functions like auctions and Fonda movie premieres, but most comes from "Jane Fonda Workout" exercise salons, which have been a remarkably successful venture. The three salons (in Los Angeles, San Fernando Valley and San Francisco) bring in about \$30,000 a month to CED.

There is some friction within the CED hierarchy right now. Some feel Hayden should step down as chairman while running for office, but Hayden has refused. There is also some dissatisfaction with Hayden's new staff director, Mignon McCarthy. Only recently has Hayden acknowledged the unpopularity of his choice, and he may have to respond to the strong anti-McCarthy feelings around him.

A star-studded campaign

Still, the organization is financially healthy. Former CED political director Dieden says, "It will be a severe blow to CED if Tom loses, but it will continue nonetheless." If Hayden is elected, CED insiders say the most dramatic change might be a quick organizational shift toward Sacramento, with new emphasis on lobbying and legislation.

The \$64,000 question of course, is whether Tom Hayden has convinced enough voters that the suit and tie he now wears are for real, and that he is a serious believer in changing things from the inside out. Hayden projects confidence. "This is such an open district that they respect independent people," he says. "I think we can take the spirit we've helped develop in this district to Sacramento." Hayden makes no apologies for his past. "My purpose in life is not to be moderate," he admits. "I'm proud to carry the baggage of lots of causes, though I sometimes think I'm given credit for some I wasn't even involved in."

The fact that he was able to scare Carey Peck out of the race in the 44th was something of a first victory. But it was the prospect of a costly and bitter Democratic primary that most discouraged Peck. He also says that he was constantly badgered by CED members who felt betrayed by his possible candidacy. After CED helped him in his last congressional campaign, Peck was not expected to challenge Hayden.

Another factor in Peck's decision: Polls were showing Hayden moving up and Peck down. Also, Peck saw some of his initial efforts go sour, especially his attempt to link Hayden with the Palestine Liberation Organization. Such charges could not be substantiated (Hayden has an ex-

Hayden is an energetic campaigner. He appears often before senior citizens, Democratic groups and just about anywhere else he is invited. His campaign will be star-studded, long on money and blessed with a talented staff. The most difficult part of a campaign for Hayden is asking people for money — especially wealthy donors with whom he feels little rapport. The fact that he has more than accepted the realities of politics, and swallowed some of their more demeaning aspects, says a great deal about his commitment.

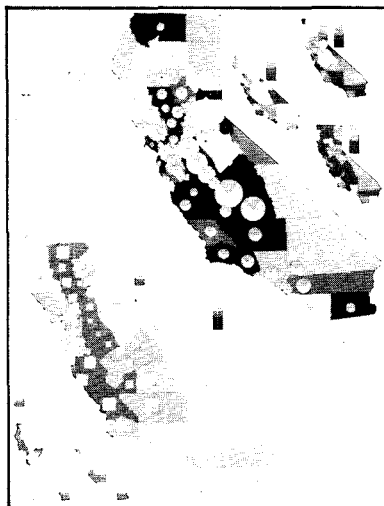
But other Democratic officeholders probably won't be walking precincts for Hayden — some for fear of being linked too closely with him, others because they are still

"So many people don't like or trust him and they can't even articulate why," says Mel Levine, probably Hayden's closest friend in the Legislature. (Even Levine may not endorse Hayden until Levine is safely close to victory in his own race for Congress. Levine concedes that he could lose up to half his contributions if he did.) "I think it is unfair and even irrational — yet you get it from very orthodox, long-time Democrats. Tom and his allies have had notable political successes, and they have articulated issues which reflect mainstream thinking. I've grown to like him a great deal."

Pat Brown agrees. "I feel Tom Hayden has been given a bad deal," he says. "Gosh, I was a big radical in my youth, too. I think that he has tried to come out of that image and that he could be a constructive force if people would just let him. I'll take Tom Hayden over most of those phonies any day."

Informative and entertaining books about California politics and history are always available from the California Journal Press, often at discount prices. The current selection:

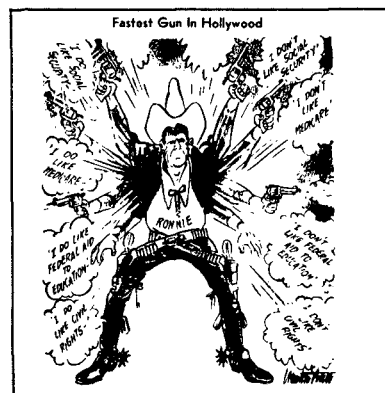
The Atlas of California, a handsome, four-color hardback book containing 191 oversized (12" x 14") pages of colorful and fascinating information on the nation's largest and most diverse state. This definitive **Atlas** provides graphic information on population distribution, California history, business, voting, legislative districts, natural resources, flora and fauna, national origin sports, federal spending and much, much more. We have made a special purchase and can pass our



The Cartoon History of California Politics, by Ed Salzman and Ann Leigh Brown, a 156-page book containing more than 100 drawings illustrating California's fascinating political history. Price: \$5.25.

Jerry Brown: High Priest and Low Politician, by Ed Salzman, 1977, with cartoons and photos. Price: \$4.19.

California Government and Politics Annual, 12th edition, edited by Thomas R. Hoerber, Ed Salzman and Charles M. Price, a 128-page large-format book containing a "Practical Guide to California Government and Politics" and reprints of **Journal** articles. Price: \$4.77.



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The reconstructed Capitol: safe, elegant and expensive

By JAMES R. CARROLL

In the files of the State Archives are boxes full of old letters, each a small work of art with sweeping curlicues of "Ss" and "Fs" and "Ws," and the quaint personality of an era before typewriters.

Take, for example, the November 20th, 1856 letter of James B. Crooks, a man who obviously wanted to be helpful. "Having examined the specifications for the building of the new State Capitol," Crooks wrote, "I find that there has been no provision made for the introduction of hot air or the gas pipes."

No doubt Crooks would be comforted to know that hot air and gas have been in infinite supply in the halls of the Capitol for more than a century.

For the past six years, some of the most inventive architects, builders and artisans around have been making certain that the tradition of political bluster and folderol — and to be sure, occasional inspiration — will have proper surroundings for decades to come.

This month, the California Capitol is reopening its doors, having been renewed from its gritty foundations to the top of its soaring dome. The total cost of the restoration — or, more accurately, reconstruction — will not be known until the books are closed sometime this spring. But a couple of sources close to the project say the work will come in under the final projected \$67.8 million.

The end result of all that expense is not likely to generate much disagreement. The Capitol is a magnificent structure, from the verdant hues of the Assembly chambers and the roseate blush of the Senate to the intricate color pattern and gold leaf of the rotunda.

The oldest state Capitol building still in use west of the Mississippi River, California's rejuvenated seat of government is expected to draw tens of thousands of visitors each year. As they wander through the halls of the federal-style, Classic Revival building, they will no doubt be reminded of its larger cousin in the nation's capital.

The lengthy state Capitol restoration is, as far as anyone knows, the largest single project of its kind ever attempted involving just one building. "Maybe the rebuilding of



Photos by John Palmer

bombed-out cathedrals in Europe after World War II was close to this, but they certainly didn't cost as much," says John Worsley, consulting architect on the state's restoration project.

For comparison purposes: The restoration of the White House in Washington in the early 1950s cost about \$5.8 million, but that involved just 45,000 square feet. (The state Capitol encompasses 170,000 square feet.) The Golden Gate Bridge cost \$35 million to build back in 1937.

The original estimate for the cost of the Capitol job was \$42 million in 1975. That estimate went up to \$59 million in 1979, and finally to \$67.8 million in 1980. The escalating figures have prompted charges from some quarters that the restoration project has been plagued by outrageous cost overruns. Defenders of the project insist such assertions aren't worth a bucket of warm cement.

The debate about costs is only the most persistent of the clouds of controversy — some significant, some silly — that have enfolded the restoration project since it was first proposed. Much of the debate was probably inevitable, considering the unique and highly visible nature of the project. First the Legislature couldn't decide whether to save its sagging Capitol or to build anew. Then it argued for months about how to choose a contractor, which contractor to select and how the firm should be paid.

Then came questions and lawsuits about some contract provisions that benefited minority-owned companies. Even relatively minor details of decoration and authenticity sparked disputes: What should be the size of the Senate clock? Should a controversial statue of Queen Isabella and Columbus be returned to the refurbished rotunda? And were the opening-week festivities unfairly elitist because high-priced tickets for celebrity events were offered to lobbyists while the public was offered parades, fireworks and walk-through tours?

It all began in the late 1960s when the Legislature was debating whether to fix up the Capitol or build something else. One of the ideas that stayed alive for several years was a new legislative complex of twin, 17-story office buildings, with the chambers nestled between them. The estimated cost: about \$41 million. The proposal was pushed by Senator Randolph Collier, a Yreka Democrat known in Capitol circles as "the Silver Fox of the Siskiyou." But the adminis-

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tration of then-Governor Ronald Reagan wasn't sold on the idea. Neither was the legislative leadership, so "Collier Towers" never left the drawing boards, and the Capitol was given a new lease on life.

By 1974, the Legislature had decided its historic home should be restored. The first estimate of \$42 million was a loose figure, many connected with the project now say, because no one had any idea of the real scope of the project they were planning. Nevertheless, then-Assemblyman Leon Ralph, chairman of the Assembly Rules Committee and the Joint Rules Committee at the time, maneuvered an authorization bill to Governor Jerry Brown's desk. Brown himself was taken on a tour all the way up to the cupola and — apparently convinced of the crumbling condition of the Capitol — signed the measure.

Controversies began immediately, during the selection of a prime contractor. Because of the unusual nature of the Capitol project, the Legislature had decided to negotiate a contract, rather than go to bid which is the normal practice for most state projects.

After a marathon six-hour session with four finalists in October 1975, the Joint Rules Committee went into executive session — meaning without the public or press looking on — to select the winning contractor. Ralph claimed at the time that the secret session avoided having the three losing contractors listening in on final deliberations. The contract went to the joint venture of Continental Heller Corporation of Sacramento and Swinerton and Walberg Company of San Francisco. The final execution of the contract by Ralph became a basic issue in a series of legal challenges to the state's contracting procedures on the Capitol project.

An alliance of taxpayer organizations and contractors, represented by the Pacific Legal Foundation, took the state to court, arguing that state law required competitive bidding on projects like the Capitol restoration. After winning a round in Sacramento County Superior Court, the foundation lost in the state Third District Court of Appeal.

The Foundation also questioned provisions in the Capitol contract requiring that minority-owned companies receive at least 20 percent of the dollar value of any subcontract totaling \$250,000 or more. On that issue, the Sacramento County Superior Court ruled in the state's favor. Two Foundation requests for review by the Appeal Court were denied, and the suit was dropped. But the Foundation's opposition to the minority quota held up the awards of subcontracts on the Capitol for more than a year. The Joint Rules Committee finally waived the minority requirement to get work started, claiming delays already had cost more than \$7.7 million.

Meanwhile, a joint report in August 1977 by then-Legislative Analyst A. Alan Post and then-Auditor General John Williams criticized Worsley's handling of a contract with Heller for structural work on the Capitol. The report claimed that Worsley had not used an independent estimate to arrive at a \$15 million maximum price tag for the structural rebuilding. Thus the contract "basically allowed the contractor to name his price for doing the work," the auditor general said. Here is how Williams reasoned: The \$15 million was agreed upon as a "guaranteed maximum structural sum" (or GMSS), beyond which the state could not be billed. If actual costs were less than \$15 million, then the savings were to be divided by a complex formula, resulting in about 20 percent to the contractor and 80 percent to the state. (Actual cost of the structural work turned out to be about \$13.8 million.)

Worsley insists that because Heller originally cited a GMSS of close to \$17 million, the final figure indicates "the contractor did not name his price." Michael Heller defends the contract this way: "At least under this system, the state recovers 80 percent. Under a bid contract, it wouldn't have

recovered anything." Such a contract was "the only way to go," Heller says, "because nobody knew what we had to do until we got into (the building) extensively."

So were there actual cost overruns on the project — the kind made familiar by the Pentagon? Critics simply point to the changing numbers since 1975 and answer in the affirmative.

But Heller insists his company "has done everything possible to hold costs down. We've spent this money as though it were our own."

Worsley also points to the uniqueness of the project as one reason behind the changing costs: "When you start getting into restoration, you're dealing with uncertainties." Another defender of the costly restoration is Assemblyman Louis J. Papan, of Millbrae, Ralph's successor as chairman of the Assembly Rules Committee and the Joint Rules Committee. He calls the final project price "incredible," considering that annual inflation rates since 1975 should have boosted the costs far past the projected \$67.8 million by now.

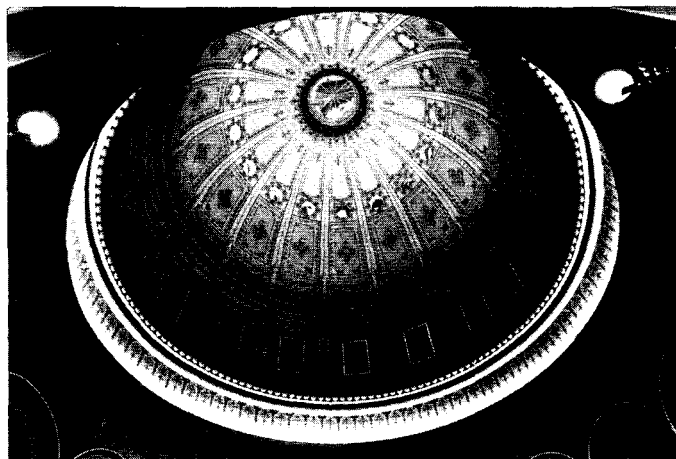
But such a perspective is not universal, and Papan took some political heat over the Capitol costs when he ran for reelection in the fall of 1980. His Republican opponent, James J. Tucker, sent out a mailer to district voters featuring, among other things, "Papan's Palace."

For all the bickering, charges, countercharges, lawsuits and newspaper investigations, no one connected with the Capitol restoration has had so much as a wrist slapped by any legal or quasi-legal agency.

Solid as a bunker

The Capitol itself has been restored to look as it did around 1900, a time period historians found convenient so that such amenities as electricity, elevators and indoor plumbing could be included in the building. The labor it took to put the elegance back into the Capitol and to make it a safe and sturdy piece of history has been watched by architects and builders from far beyond California's borders.

Safety being the main concern, the Capitol is now about

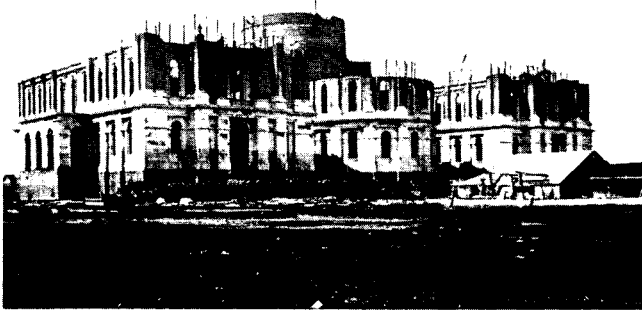


as rock solid as a bunker. Part of the brick-wall construction faced with granite remains in the restored building, but behind it is reinforced concrete that is eight to 10 feet thick from the basement to the top of the dome. Worsley said the building should now be able to withstand an 8.5 magnitude earthquake, the kind of shaker Sacramento has never seen during its recorded history. More than 30,000 tons of concrete have gone into the structural work, which presented such unusual challenges to the engineers and architects that *Progressive Architecture* magazine called the whole project an "amazing feat."

Capturing the right appearance for the restored period was no easy matter. Details surfaced as in a detective story:

Capitol history: enough to drive a man mad

California had a difficult time deciding where to put its capital. In 1849, the year before the United States Congress admitted California to the Union, members of the first state Legislature met in San Jose. They returned there the following year. In 1851, the Legislature started out in Vallejo, then moved to Sacramento. The next year, the legislators gathered in Vallejo, then shifted to Benicia. Apparently Benicia looked good, for state business started there in 1853, only to be moved again to Sacramento. Abandoning their reputation as "the Legislature on horseback,"



the state's lawmakers settled on Sacramento as the permanent capital. All it needed was a Capitol.

Discussion about a formal building to house the state government began as soon as Sacramento won the capital sweepstakes. Finally, in September 1860, construction began.

The state's timing couldn't have been worse. In December 1861, floods submerged the town of Sacramento. A month later, there were more floods, depositing tons of mud and debris into the Capitol excavation. Then the Civil War broke out, putting a crimp in the supply of building materials. The first Capitol architect, Reuben Clark, was waiting for iron beams from the East. They had to come around South America by ship because the transcontinental railroad was still under construction. But in 1865, Clark was still waiting. The front walls of the Capitol had been built up to make it look as though progress was being made, but without the beams, there could be no floors.

Architect John Worsley likes to tell the story of Clark's tribulations, because Clark ended up in a Stockton mental institution. The cause of Clark's insanity, according to hospital records, was "continued and close attention to the building of the State Capitol in Sacramento."

"Clark is a really tragic figure," Worsley observes. "He was a very competent guy. The frustrations did him in . . . He was very dedicated — probably too dedicated for his own good."

Gordon P. Cummings succeeded Clark, presiding over the completion of the Capitol except for a brief

time when politics intervened and put friends of the administration in charge. The building was finally finished in 1874. Clark's 1862 estimate of \$500,000 for the job had ballooned to \$2.5 million.

Incredible as it seems in a city which now houses the second largest government in the nation, the Capitol was quite sufficient to hold all of the state's officials in the 1870s. But it didn't stay that way for long. Beginning in the 1890s and on into the early 1900s, change after change was made to make more space for more state employees. In the 1930s, mezzanines were constructed; false ceilings and flimsy partitions appeared. In the early 1950s, both legislative chambers were redesigned; setmakers from Hollywood were commissioned to design the Senate's side. This was part of a major renovation that included construction of a new wing to house legislative offices.

The new chambers were not a hit with everyone. The red velvet drapes and fake marble columns made the Legislature look like "a Victorian bordello," according to Democratic Senator James Mills of San Diego, a history buff who was one of the prime movers behind restoration of the Capitol. Another senator, upon seeing the gaudy Hollywood version of the chambers, quipped to a colleague: "Well, I guess I can stay for a drink, but I don't have time to go upstairs."

The impetus for returning the Capitol to some dignity was not aesthetics, however. In June 1972, state architect Fred Hummel issued a 108-page report that raised serious questions about the safety of the state Capitol, particularly in an earthquake:

"The trusses over the Senate and Assembly Chambers . . . support a portion of the fourth floor. These trusses are highly stressed and are not anchored at the walls. During a strong earthquake, these trusses would almost certainly fail or become displaced from their supports and would drop the fourth floor into the Legislative Chambers below. If failure of the Dome should occur it would likely be by bending of the piers between the perimeter windows. This would cause the Dome and Cupola to collapse vertically down into the Rotunda."

Not exactly *The Last Days of Pompeii*, but pretty scary stuff. As further evidence, Hummel pointed out that earlier quakes had given people working in the Capitol good reason to wonder about its strength. During a large earthquake on April 21st, 1892 (which destroyed several towns west of Sacramento), one of the Capitol's ceilings had cracked open from one end of the building to the other. The ceiling of the Assembly chambers "was rent in places." Statuary on the outside of the Capitol had toppled to the ground.

Sacramento is not known as a place for heavy earthquakes, yet the University of California reported that between 1932 and the time of Hummel's report, there had been about 700 quakes of Richter magnitude 4 and greater in an area bounded by west central Nevada, just south of Fresno, the Pacific Ocean and Redding.

little bits at a time. Researchers rummaged everywhere for photographs and documents about the Capitol. The search for artifacts turned up parts of the Capitol in strange places. The original door to the state treasury's vault, for example, was found in Lodi, 40 miles south of Sacramento. According to one estimate in 1979, all the new historical discoveries related to the building added about \$5 million to the restoration cost.

Recreating the fine detail of the turn-of-the-century building involved, in some cases, efforts akin to re-inventing the wheel. Some of the techniques of artistic decoration had been lost. The Capitol's new artisans discovered, for example, that the best way to apply the intricate plaster scrollwork on the walls was with a cake decorator. Numerous experiments with tile turned out beautiful floors that should be about twice as durable as the old ones.

While not all of the old Capitol could be saved for the restoration, pains were taken to keep as much as possible. The artifacts and building elements filled several warehouses.

"There's a point at which you have to use some degree of practicality," explains Heller. "In the case of the dome, for example: It turned out that it leaked from the day it was installed. The question was, should we correct the imperfections in the original design? Well, we did. Now the dome doesn't leak anymore."

About the only major omission will be the east side of the Capitol, swallowed up in the early 1950s by the annex that holds the legislative offices, a structure which state Senator and historian James Mills calls "early-prison architecture." In the process of building the addition, the Capitol's apse — a semi-circular portion of the building that once housed the state library and the California Supreme Court — was demolished and cannot be recreated.



Assemblyman Papan thinks legislators will inevitably be conscious of history as they work in the restored Capitol. He calls it "the intangible aspect of the process," and he hopes that it will produce a little more decorum among his colleagues.

"We've got gorillas running around down there now at times," he said. "In the new Capitol, you're going to hesitate to do that. You're going to feel the process."

Perhaps. And they may also sit in their chambers, look up through the chandeliers to the vaulted ceilings and wonder: Where exactly did they put that hot air and gas? 

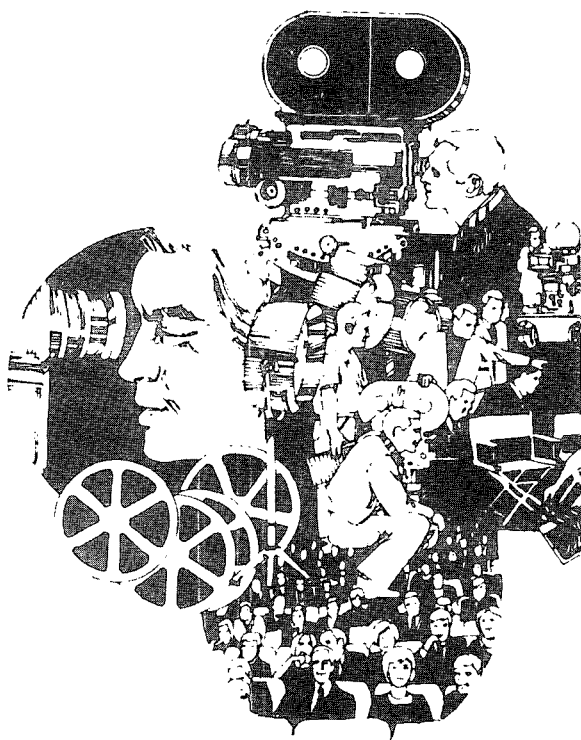
'Power behind the power' on Journal TV program

An examination of the state's Public Utilities Commission — "The Power Behind the Power" — will be the subject of the fifth California Journal Report television series to be shown on 10 stations throughout the state this month. The PUC will be viewed from an historical perspective, with emphasis on the commission's efforts to promote conservation of energy.

Check local newspapers for times of showing on the following stations:

Eureka	KEET-13
Fresno	KMTF-18
Los Angeles	KLCS-58
Los Angeles	KCET-28
Redding	KIXE-9
San Bernardino	KVCR-24
San Diego	KPBS-15
San Francisco	KQED-9
San Jose	KTEH-54
San Mateo	KCSM-60

In Sacramento, "Farmers and Farmworkers — the New Harvest" will be shown on KTXL-40 at 3 p.m. January 16th.



STRICTLY OPINION

With this column, the **Journal** provides a forum for those wishing to express opinions on California political issues. Inquiries about future columns are encouraged.



Political reform: the unfinished task

By ANTONIO ROSSMANN

By a record majority Californians enacted the Political Reform Initiative in 1974. In so doing, they may have believed that they substantially eliminated undue influence and conflicts of interest in the political process. However, speaking as a frequent practitioner in land use and environmental disputes before state and local agencies, I believe we have miles to go in securing fairness in politically sensitive decisions.

In our state — and indeed throughout the nation — we need to implement two new rules of political reform: (1) to prohibit elected officials from voting on matters that are sponsored by their substantial campaign contributors, and (2) to prohibit attorney-legislators from appearing before state or local agencies on behalf of private clients.

These reforms are necessary to end undue influence that all too frequently skews what should otherwise remain rational and impartial public decision-making. Unsound decisions of several Southern California city councils and a California regional coastal commission — decisions which likely otherwise would not have been made — resulted from a handful of elected officials forcefully advocating the positions of the applicants who “happened” to be major contributors to the officials’ campaign funds. In at least two San Francisco proceedings, private clients represented by a local assemblyman have secured exclusive access to the mayor’s office; such access was denied to other parties with an interest in the city’s decisions. At both the state and local level, state legislators have argued their clients’ causes before agencies whose budgets are directly or indirectly affected by the legislators’ votes in Sacramento.

The results have been neither surprising nor encouraging. Precious natural and cultural resources have been

lost or damaged by irrational or unwise decisions. Legislators and their clients have employed the benefits and influence of public office for private gain. “Access” has been “sold” only to those who purchase it by a retainer or campaign contribution. Most distressing of all, other citizen-applicants conclude that they must play the game in the same manner. Many who seek only a fair hearing “learn” to respond to campaign-contribution solicitations or to secure the state assemblyman as their attorney. The public at large expresses outrage to pollsters at these practices, but it is helpless under existing law to enforce any change.

At first blush, reforms to cure these evils might seem ill-advised. The First Amendment protects the right to political expression and association, which include financial support to candidates of one’s choice. Talented attorneys ought to enjoy the unfettered license to represent clients in their areas of expertise. These arguments, however, ignore reality when applied to the situations described here. Project applicants do not contribute to an overwhelming majority of city council members of all political persuasions as an act of political expression; they do so solely to promote economic self-interest. The party engaging a legislator as counsel, and the legislator himself, obviously seek and secure special advantage flowing from the legislator’s political influence and position. Today’s legislators (compensated for full-time service) moreover face sufficiently demanding duties in Sacramento and at home to leave no “free time” for acting as private counsel.

With vigor but without ultimate success, the Bar has attempted to cure these ills without resorting to another statewide initiative. In a decision (*Woodland Hills Residents Association v. City Council*) resulting from representation of Los Angeles homeowners, the California Court of Appeal agreed with us that the majority of council members who receive substantial and coordinated campaign contributions from a project propo-

nent must be disqualified from voting on the proponent’s application. After that decision and the *Los Angeles Times*’ exposé of a regional coastal commissioner’s solicitation of campaign funds from project applicants, the California Coastal Commission adopted regulations prohibiting commissioners from voting on projects sponsored by substantial campaign contributors. The California Supreme Court, however, reversed the Court of Appeal in *Woodland Hills*; the court declined to formulate on its own “rules of fairness” that did not appear in the Political Reform Initiative. Legislation introduced one month later to codify such a rule, however, died on the Assembly floor. A San Francisco assemblyman played the role of chief executioner.

Bills to forbid legislators from appearing as private counsel before public agencies have similarly failed to pass in committees this year. Significantly, the most comprehensive measure was authored by a San Diego assemblyman who last year suffered severe criticism for representing clients before state agencies. Only one bill (SB 884), which prohibits the practice but places enforcement in the hands of the Legislature itself, remains alive — but only because the Senate sent it back to committee for an unprecedented third hearing, rather than voting on the measure itself.

The horizon holds the dawning promise of a better order. The California State Bar has now endorsed legislation to end the practice of attorney-legislators before state agencies. The *Los Angeles Times* vigorously advocates both of the reforms discussed here, and now calls for a statewide initiative to cure the obvious failure of the Legislature to set its own house in order. The time is at hand for the people of California — with their citizen-attorneys assuming the lead — to effectuate reforms that will make government responsive to all citizens and the merits of their respective positions, rather than the undue influence of a privileged few.

Antonio Rossmann is a San Francisco attorney who heads the State Bar Committee on the Environment and also teaches at Hastings College of the Law.

Facelift frenzy among the regional magazines

By BOB KORDA

These are exciting times in California magazine circles. The former *New West* magazine has just been reincarnated as *California* magazine, after being bought last year by the highly respected *Texas Monthly*. Both *San Francisco* and *Sacramento* magazines were recently sold and are undergoing major facelifts. The grandfather of them all, *San Diego* magazine, has lost one of its major assets, the late reporter Harold Keen. Meanwhile, *Los Angeles* magazine continues to be one of the most successful monthlies of any kind in the country.

All of these publications are a reflection of the remarkable growth of city and regional magazines throughout the nation over the past 20 years. From New York to Dallas to Honolulu, these magazines have filled a void which many say is left by newspapers' not publishing enough local news and service articles. City magazines stepped in to direct their readers to their city's finest restaurants, theaters and nearby vacation spots.

Critics of these magazines claim that the periodicals are publishing primarily "fluff" — frivolous articles directed only toward the rich and well-to-do of their cities. Naturally the magazines' staffs disagree. "We see ourselves as really helping our readers get through their lives," said *Los Angeles* Executive Editor Lew Harris. "Our most popular stories are travel and food articles."

With a circulation of 160,000, *Los Angeles*, which is owned by American Broadcasting Company, is the country's top revenue-producing city magazine, says Associate Publisher Burt Pucci. Last year, only two monthly publications in the country carried more advertising than *Los Angeles*, according to *Folio* magazine.

In spite of its success, *Los Angeles*' editorial formula has plenty of detractors. "It doesn't do a good job of covering anything but West LA," says *Los Angeles Times* media critic David

Shaw. "It doesn't cover local government at all and publishes only short stories, even though their newshole is the size of a telephone directory."

"The problem with covering local government," replies Executive Editor Harris, "is that people don't care about politics. We try to do profiles and include some local government coverage, but people are just not that interested."

Susan Littwin, one of the magazine's writers, occasionally covers politics, but she agrees with Harris. "There are city hall freaks who are interested in local government," Littwin says, "but you have to sell magazines to more people than just them."

Recent *Los Angeles* articles have included "Secrets of LA's Filthy Rich," (wherein the magazine proclaims, "A half million bucks does not make you rich today"), "The High Cost of Success" and "A 1981 Shape-Up Plan." These articles have obvious appeal to the magazine's average reader, who makes between \$60,000 and \$80,000 a year and lives in a \$200,000 home.

No muck or tick

There have been some serious articles recently, including a profile of LA County Supervisor Kenneth Hahn. Hahn's press secretary, Dan Wolfe, had mixed feelings about the article. "It was a nice profile," he concedes, "but it didn't really deal with any specific issues. The magazine is definitely not out raking any muck or finding out what makes the city tick."

One city councilman's press secretary says, "Our experience with them showed us that their writers had always come to the conclusion of their stories before they interviewed us. We were always amazed at what ended up in the magazine."

Editors of *Los Angeles* point to their higher-than-average renewal rate to prove that their readers are satisfied. Executive Editor Harris says that their most popular recent articles have been a concert seating guide and a compilation of state driver test questions.

"After the 1960s, people realized they weren't going to save the world

after all," *Los Angeles* Editor Geoff Miller once told the *LA Times*. "They decided the next best thing was to try and make the most of their lives — to try to solve the problems of rising prices and pressure in urban society. Our magazine helps them do that."

Minutes away from *Los Angeles*' Century City offices are the Beverly Hills offices of *California* magazine. But there the similarities end. While *Los Angeles* is a big money-maker, *California* has lost money since its beginning as *New West* five years ago. *Los Angeles* proudly proclaims itself to be a city magazine; *California* aspires to be a publication serving the entire state. *Los Angeles* concentrates on service articles; *California* publishes more stories on politics and issues. *Los Angeles* seems to be an island of stability, while *California*'s past is littered with fired editors and three different changes of ownership in its brief history.

New West was founded in 1976 by Clay Felker, a magazine wizard who had successfully turned around *New York* magazine. Yet Felker's magic failed to work on the West Coast, and his magazine failed to find either its editorial direction or its readership. Facing losses of up to \$2 million a year, Felker sold both *New West* and *New York* magazines to Australian press magnate Rupert Murdoch, who also owns the *New York Post*. Murdoch brought in new editors and writers, but the magazine continued to lose money. Last year he sold it for \$3.2 million to *Texas Monthly*, one of the most respected regional publications in the country. The winner of three national magazine awards, it was founded in 1973 by Michael Levy, then a 27-year-old graduate of Wharton Business School and Texas Law School, and 29-year-old Bill Broyles, a graduate of Rice and Oxford, a Rhodes scholar and Vietnam veteran.

Texas Monthly's contributing editor Richard West once described the magazine as "dedicated to the constant exploring of what it means to be a Texan." The magazine combines hard-hitting reporting ("The Ten Best and Worst Legislators") with lighter articles like a picture spread on the

shrimp-boat colony.

Since buying *New West*, Broyles has moved to Los Angeles, and is now editor-in-chief of *California*. He has converted the magazine into a monthly, ended its separate Northern and Southern California editions, brought in a new publisher from *Sports Illustrated*, and hired a new editor from *New Times* as well as new writers.

"Bill wants to explore the power centers of California," says Executive Editor Meredith White, who has been with the magazine for more than three years. "He wants to make the magazine more attractive to more people and to cover parts of the state we'd neglected before."

Based on the magazine's troubled past, it won't be easy. "Their main mistake," says former *New West* Editor Lawrence Dietz, "is that Southern Californians don't care about Northern California and vice versa. In Texas, people around the state identify themselves as Texans. But here in California, people identify themselves by what part of the state they live in."

Browles disagrees: "I think the people in Northern California and the people in Southern California have a community of interests," he says. "Part of that community of interests is the knowledge of how different those two places can be."

Critics of the magazine point to the cliché topics that have been explored since *Texas Monthly* came to town: earthquakes, surfing and the singles scene. But there have also been articles on Asian refugees in Southern California, the Zodiac killer and profiles of state celebrities.

It is too early to tell whether the magazine's new look will be successful, but preliminary returns are promising. According to Publisher John Marin, newsstand sales have doubled over the last year, and circulation is now a solid 230,000. Advertising revenues have also grown, although it is hard to compare the monthly *California* to the bi-monthly *New West*.

LA Times media critic Shaw is hopeful about *California's* prospects. "I'm a great admirer of *Texas Monthly* and its people," he says. "The first editions of *California* have been pretty good but, more importantly, I think they really want to make it even better."

Salvaging a failure

Up north, at *San Francisco* magazine, businessman Roger Walther is trying to improve a publication that has had one of the worst reputations in the country. When he bought it last spring, Walther promptly hired *Mother Jones* Editor Jeffrey Klein as his editor and Charles Denson of *New*

West as his art director. Walther, who has no experience whatsoever in the magazine field, has interests in a travel agency, real estate and banking. Klein, however, was involved in the founding of *Mother Jones*, a muck-raking journal that has repeatedly made national headlines. Klein wrote several articles for *MJ*, including a controversial interview with Mike Wallace.

San Francisco has had such a bad reputation that the *Berkeley Independent Gazette* once called it "an innocuous advertising brochure, remarkable only for the reluctance of its successive publishers to invest any money in it." The best feature of the old *San Francisco*, according to some readers, was its annual list of the 100 most eligible men and women in the Bay Area.

Even Editor Klein agrees with the critics. "When they hired me," he says, "they couldn't pay me enough to go through any of the back issues. But the fact that the magazine was a failure gives us an opportunity to be innovative."

Klein plans to expand the magazine's coverage to all of Northern California. He has hired new writers including a food columnist from the *Wall Street Journal*. He also increased payment for articles and is working to improve the editorial content.

"I hope to provide service articles with a twist," he says. "We'll avoid reporting on local community squabbles and will concentrate on exposés and honest consumer reporting." Klein hopes to acquire eventually a national readership. "Since lots of political trends start here in San Francisco, there could be national interest," he says.

The magazine's first issue under Klein's direction came out in November and was clearly an improvement over the old format. It featured a major analysis of Bay Area television news, an article on a land battle in the Sierra and columns on restaurants and entertainment. Still, many observers in San Francisco question whether the magazine can survive. With a modest circulation of 43,000 and a history of heavy losses, they feel only a seasoned magazine publisher can save it. On the other hand, publisher Walther's success with other business ventures may indicate that he is a quick learner with a deft touch for developing a profitable product.

In the state capital, Texas money is again involved in magazine publishing. Two years ago, Jonsson Communications Corporation bought *Sacramento* magazine from its founder, Gary Brown. The corporation is owned by an old-line Dallas family involved in

the founding of Texas Instruments. The family also owns two Sacramento radio stations, KROY, AM and FM.

Sacramento was founded in 1974 by Brown as a free real-estate newsletter. When that approach didn't work, Brown changed the format into a general-interest city magazine distributed in banks throughout the area. Since its sale, it has been converted to a paid circulation with about 20,000 subscribers. The editor concedes the magazine is not yet profitable because of increased overhead, but he says it may start making money in 1982.

"We've tried to separate the editorial part of the magazine from the advertisers," says editor Hank Armstrong. "Before, some stories would be written to please advertisers. We've also moved into some controversial areas, such as the consequences of a nuclear attack on Sacramento and the problems of the UC Medical Center here."

Sacramento Mayor Phil Isenberg thinks the magazine has improved since the takeover. "It is inching in the direction of more expanded coverage," he says. Does the magazine cover local government adequately? "It's questionable whether a magazine of that type should cover city hall at all," Isenberg says. "As a practical matter, most people are not that interested."

Oldest in the country

The oldest city magazine in the country is *San Diego*. Founded in 1948 by Edwin and Gloria Self, it has grown with the city to its current 58,000 circulation level. According to Publisher Ed Self, the magazine acquired a liberal image in the 1950s, mainly because it disagreed with the then arch-conservative *San Diego Union*. "We went head-to-head against the *Union*," Self says, "mainly by publishing all sides of an issue."

A key figure in *San Diego's* early years was Harold Keen, the city's best-known chronicler until his death last June. Keen, editorial director of a local television station, wrote 185 articles for *San Diego* over a 20-year period, dealing with every conceivable subject from the city's power structure to the environment. "The loss of Harold Keen will hurt *San Diego* a great deal," says Peter Kaye, associate editor of the *San Diego Union*. "He will be very hard to replace." (Self has engaged five new free-lance writers to cover Keen's old beats.)

San Diego is an eclectic combination of serious features and light, service-type articles. Recent issues have featured a pictorial spread on million-dollar homes, a description of the "Del Mar lifestyle" and articles on Vietnam



veterans and North County growth.

San Diego Mayor Pete Wilson's former press secretary (and now Senate campaign staffer), Otto Bos, likes the magazine but with some reservations. "It's an impressive magazine," Bos says. "They carry at least one serious article a month on local issues — which is stuck alongside an article on the new fashions of Afghanistan. But with the market they cater to, they could easily bypass the whole political field."

Bos may be right. *San Diego's* average reader makes \$73,330, lives in a \$220,000 home and is reportedly worth \$350,000, according to the magazine's readership surveys. Such figures are hard to beat, but one magazine, *Palm Springs Life*, gives it a healthy try. Claiming an average

reader income of \$73,255, that magazine proudly advertises that one out of every two of its readers drives a Cadillac or Lincoln Continental. (It also asserts that one out of every 50 owns a Rolls Royce.)

Owned by Milton Jones, *Palm Springs Life* publishes service-type articles as well as features on social events occurring in the wealthy resort community. There is a "Bob Hope Desert Classic" issue, a "Condos, Homes and Estates" issue and a "Health and Beauty" issue. Every October, the magazine puts out a special "Desert Progress" issue detailing the economic growth in the area.

Publisher Jones, who bought *Palm Springs Life* in 1965, says that 40 percent of his 68,000 readers live outside

of California and subscribe to keep informed about their second-home city.

Not far from Palm Springs, wealthy Orange County produces two local magazines, *New Worlds of Orange County* and *Orange Coast*. *New Worlds* was started in 1970 by the Irvine Company, which owns 75,000 acres in the county. The company has built more than 27,000 homes to date, as well as a 5,800-acre industrial complex and several shopping centers. *New Worlds* was started to give this massive new community a "sense of roots," according to its managing editor, Frank O'Donnell. Until 1978, the magazine was distributed free only to residents of the former Irvine Ranch, but the company then decided to expand to countywide circulation.

While still distributed free to 110,000 people, the magazine's focus changed after 1978. It now publishes both service articles and some local coverage. Recent issues have included an analysis of the proposed Peripheral Canal's importance to Orange County, a review of transportation alternatives and a history of Newport Beach. Needless to say, there are no critical articles on the Irvine Company. But Editor Jim Wiggins insists that there is no conflict of interest. "The company does not get all excited about what is published," Wiggins says. "They're more interested in *New Worlds* being responsive to the public."

Before he came, Wiggins admits, the magazine ran one article per issue publicizing a new Irvine development. At his request, the promotion pieces stopped.

Orange Coast magazine, published by 27-year-old Toni Tusso, is another freebie. Each month, 40,000 copies are distributed to all the doctors, dentists and barbers in the county. Tusso is candid about the purpose of her publication. "*Orange Coast* is a pure pleasure magazine," she says. "We're not out to get into politics. We want to let our readers know what's happening, what to do and what restaurants to go to." Typical Tusso articles: profiles on Cheryl Ladd and Don Drysdale, or safety tips for Halloween. Two other regional magazines, *Inland Empire* and *Big Valley*, are aimed at readers in the Riverside-San Bernardino area and LA's San Fernando Valley, respectively.

With varying degrees of success, all of the city magazines are applying the same formula: Keep the copy local, simple and short. Aim for the audience that the advertisers want to reach — the richer the better. Sell lots of advertising. And, for the most part, leave the serious, controversial issues to the writers of newspaper editorials. 🏠

California's investment in the rebirth of the

By RICHARD RODDA

Somehow the inter-city passenger train, which was written off by the railroads more than a decade ago as an unwanted relic, refuses to die. During its darkest hours it has had the resiliency to defy the prophets of doom.

California provides a good case study: A new Amtrak train, yet to be named, has restored overnight service between Northern and Southern California after an absence of 13 years. This occurs at a time when the Reagan Administration is forcing Amtrak to discontinue some service as part of the administration's budget-balancing strategy. At one point the threatened economies were so severe that Amtrak was talking about closing down its nationwide system and saving only the trains in the heavily used Northeast corridor (Boston, New York, Philadelphia and Washington, D.C.) But Amtrak had friends in Congress who were able to salvage the coast-to-coast network, losing only a few trains of low ridership.

Amtrak went through the same agony during the Carter Administration. A Chicago-Miami train, the Floridian; and a New York-St. Louis train, the National Limited, were among the victims. But with the financial help of states like California, Amtrak is able to pick up part of the slack with new trains that have staying power.

During the Carter years the Desert Wind was inaugurated. This serves Los Angeles, Las Vegas and Salt Lake City over a Union Pacific route unused by passenger trains since 1971. The Pioneer (Seattle-Salt Lake City) also found its way into the Amtrak timetable while Carter was president.

Now the Sacramento-Los Angeles train, a new train between Washington, D.C. and Pittsburgh and a Spokane-Portland section of the Empire Builder are new features of the fall timetables, softening the impact of the Reagan cutbacks. The California Department of Transportation (Caltrans) is conducting a contest to name the new overnight trains — designated temporarily as Train 15 southbound and 16 northbound.

State-subsidized expansion

The record shows California has done remarkably well during the Amtrak years and has plans to go forward in the '80s with more expansion. In 1971, when the government-funded National Railroad Passenger Corporation (Amtrak) took over most inter-city passenger service from the privately owned railroads, only seven trains were retained in California. Two of them operated only three days a week. Today there are 15 California trains, all operating daily ex-

cept the Sunset Limited (Los Angeles-New Orleans) on a thrice-weekly schedule.

For the most part, this has been accomplished through state subsidies. Amtrak is willing to add trains more readily if a state or other public agency picks up half the operating costs. As a result, four trains have been added to the three already serving the Los Angeles-San Diego corridor and an eighth is under consideration. Today Amtrak carries more than 110,000 passengers a month between the two cities, constituting one of Amtrak's success stories.

Several years ago, again with state support, an Oakland-Bakersfield train, the San Joaquin, was added. For a time patronage was low and Amtrak threatened to discontinue it, but public outcry resulted in scheduling a second train instead. Now about 20,000 riders use the service monthly.

The Desert Wind was added to the schedule in October 1979, and today carries 16,000 passengers a month, with particularly heavy weekend loads, between LA and Las Vegas.

Predicting a 'renaissance'

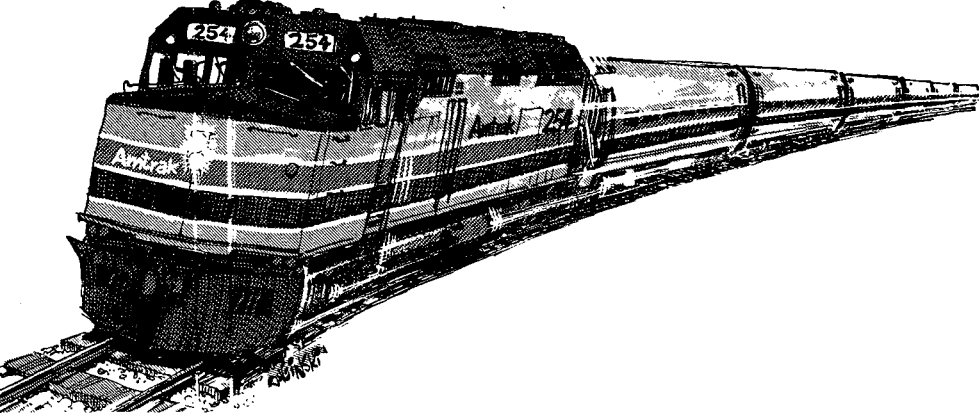
It took nearly four years for the Sacramento-Oakland-Los Angeles train to become a reality. Caltrans first proposed it in November 1977. Prolonged negotiations and arbitration with Southern Pacific delayed the start-up until last October. The train operates nightly from Sacramento to Los Angeles via Davis, Oakland, San Jose, Salinas, San Luis Obispo, Santa Barbara, Oxnard and Glendale. This is the first time since 1960 that Sacramento has had an overnight train to Los Angeles and the first time the San Francisco Bay area has had one since 1968.

In the days before the airlines and the private automobile made drastic inroads on train travel, there were six night trains between Northern and Southern California. All were operated by Southern Pacific with the Lark, an all-Pullman sleeping car train between Los Angeles and San Francisco, as the "flagship," and the Padre, the Coaster and the Sunset Limited offering additional departures. The Owl ran overnight from Oakland to LA through the San Joaquin Valley, and the West Coast, between Sacramento and LA on the valley route. The latter train was patronized by legislators, lobbyists, state officials and businessmen.

The late Assemblymen Frank Lanterman of Pasadena and Vincent Thomas of San Pedro were diehard rail buffs who stuck with the West Coast until the end, while most other legislators had been lured away by the airlines. Even after the West Coast was discontinued, Lanterman rode the Lark to San Francisco and caught a connecting train to Sacramento. When the Lark was dropped in 1968, there was no more night service.

Is there a future for the new train? State Transportation Director Adriana Gianturco thinks there is. "We are entering a renaissance of the passenger train," she said re-

Richard Rodda is the retired political editor of the McClatchy Newspapers and a free-lance writer in Sacramento.



passenger train

cently on the inaugural run of Train 15. "We are here to witness the beginning of one of only two new passenger trains in the United States this year. While Amtrak has been threatened with budget cuts that could imperil some of its services elsewhere, we in California are expanding and improving ours."

California will contribute \$1.7 million for the operation of the overnight train the first year, and an additional \$3.8 million on its commitment to the San Diego and San Joaquin trains. (Under the terms of the Railroad Passenger Act, Caltrans picks up 20 percent of the new train's operating deficit the first year, 35 percent the second year and 50 percent the third.) Caltrans and Amtrak project 160,000 riders will use the train in its first year of operation and more than 200,000 in the following year.

Although the new train started out with many empty seats during its first days, it expects to attract more riders as word gets around. A made-to-order business could be the overflow from the Coast Starlight, the single SF-LA day train on the coast line. Running from Seattle to Los Angeles via the Bay Area, it is the most heavily patronized long-distance train in America. It carries about 60,000 passengers a month and, during vacation and holiday seasons, it is booked weeks in advance.

Amtrak will try to divert many disappointed travelers to the new night train. It offers modern equipment — a "Heritage" sleeping car, three 60-passenger "Amcoaches," a baggage car and an "Amfleet" cafe car. Also, the \$69 round-trip coach fare from Sacramento to LA is a considerable savings over the current airline fares. But the sleeping-car accommodations cost as high as \$154 for the round trip.

The administration of Governor Jerry Brown has been very supportive of rail travel. And the state Legislature, guided by the efforts of Democratic Senator and rail buff James R. Mills of San Diego, has been cooperative. The result: state-sponsored trains operating in all of the major intercity travel corridors in California. The state also was involved in financing the intermodal terminal in Richmond, where BART trains run parallel to Southern Pacific tracks. BART passengers can transfer to Amtrak trains by merely walking across a platform.

California's delegation in Congress also played an important role in encouraging rail service. This was demonstrated a couple of years ago when Amtrak threatened to drop the San Joaquin trains. Congressmen serving the valley area turned on enough political heat to prevent this from happening.

What about the future? Caltrans has ambitious plans:

- **Extend the rail** service of the San Joaquin trains from Bakersfield to Los Angeles by using the SP route over the Tehachap Mountains.

- **Add an eighth** train from LA to San Diego.
- **Provide local train** service from Los Angeles to

Santa Barbara.

- **Establish a** new daily train between Los Angeles and Tucson and Phoenix.

- **Caltrans also** supports the already approved plans to re-route the Coast Starlight to the east side SP valley line, serving Sacramento, Roseville, Marysville and Chico. Currently the train uses the west side line where the population is much lower. This means Sacramento passengers must board the train at Davis, 14 miles west of the city.

Caltrans is in the rail commuter business, too. About a year ago, it took over the San Jose-San Francisco commuter lines which Southern Pacific had been trying to abandon for years. Here are the Caltrans goals for expanded commuter service:

- **Establish twice-daily** service between Los Angeles and Oxnard.

- **Improve the** San Francisco-San Jose service. Purchasing new equipment is in the works.

- **Provide daily** service between San Bernardino and Los Angeles and Riverside and Los Angeles.

- **Offer commuter trains** between Saugus and Los Angeles and southern Orange County and Los Angeles.

The journey back to rail travel in California is slow, but it gets a shove now and then from gasoline shortages such as those in 1973 and 1979, and from spiraling oil prices. Diehard supporters of rail service contend that the railroads, which started their drive to unload their passenger business in the late '50s, backed the formation of Amtrak as a method of killing off passenger service while blaming the government for it.

But the passenger train refused to die. Many of the old, rundown cars which the railroads did not maintain for years, finally have been replaced by modern, smooth-riding coaches.

Not too long ago, railroad officials were saying the sleeping-car business would vanish first. Who would have believed then that Amtrak would order a fleet of 80 new sleeping cars, now serving the western routes? Some of the older cars have been rebuilt as the "Heritage" fleet on the eastern lines.

The key question is whether the Brown-Gianturco enthusiasm for state-subsidized passenger service will be shared by the next governor's administration. When Gianturco tried last November to get the state Transportation Commission to commit a major portion of its five-year spending plan to mass transit, both the commission and its staff opposed her. Pressures to invest more dollars in new highways and road maintenance have been mounting ever since Gianturco came to Sacramento with her vision of a transportation system less reliant on the private automobile. When she leaves, will her plans for more passenger-train service survive in competition with the powerful highway lobby?

'VOTE EARLY, THEN BUY BOLOGNA'

By DONALD H. HARRISON

Local officials throughout the state — squeezed between the high cost of conducting elections and the revenue limits of Proposition 13 — are talking about selling advertisements in the ballot pamphlets mailed to voters in their jurisdictions.

"Next I suppose they'll sell space in the Bible," was the indignant comment from Supervisor Roger Hedgecock when the proposal came before the San Diego County Board of Supervisors. "I hardly would put materials published by the government on the same level with the Bible," San Francisco Supervisor Quentin Kopp, one of the plan's proponents, later rejoined.

San Diego and San Francisco are the centers of the movement to defray election expenses by asking private industry to pick up some of the tab. The boards of supervisors in both counties have adopted resolutions urging their respective election officials to study the plan's feasibility. Hedgecock opposed even the study.

Ray Ortiz, the registrar of voters in San Diego County, brought the plan to San Diego County Supervisor Paul Fordem, from whom Kopp says he got the idea. Ortiz also set the idea into motion in the elections division of the Los Angeles city clerk's office where his brother-in-law, Ron Kochevar, the assistant elections supervisor, is steering the plan through the bureaucracy.

"By the time we put together the voter pamphlet for the June 1982 elections, I expect that we will have 1 million voters in San Diego County," Ortiz says. "I think advertisers would be interested in reaching with a single advertisement a million adults, all age 18 and above." He estimates that it will cost \$500,000 to prepare, print and distribute the voter pamphlet which lists the names of local candidates and gives the official wording of various ballot propositions. "I'd like to be able to sell enough ads to break even," Ortiz says.

Kopp similarly sees dollars pouring back into the county treasury. "I talked to two advertising agencies

about what a full page ad might be sold for, and they figured \$2,500 a page," says Kopp. "I figure that we may be able to gross \$250,000 to \$500,000 per election this way."

The studies now under way in San Diego and San Francisco will determine, among other things, whether the supervisors' visions of dollar signs are realistic. Although Kopp and Fordem report positive response from the business community, others are less

type saying something like "The above message was purchased by (sponsor) to help reduce the cost of government."

But Kopp does not believe the advertisements have to be quite so pristine. He sees nothing wrong with direct commercial appeals like "A free (soft drink) at (sponsor) to voters who show their stubs" or even "Buy your election day bologna at Joe's meat market." Advertisements, as long as they stayed within the bounds of propriety, would not even have to make reference to the election process under Kopp's proposal. "I don't think we would have to take any ads for massage parlors," he says. "Also, I don't think we would permit any ads with the names of candidates in them, even if the candidate's name was part of a business name."

Tony Miller, chief deputy secretary of state, says he and Secretary of State March Fong Eu have no objections in principle to advertising in statewide voter materials, provided some of the problems can be worked out first by testing the concept in one or two counties.

When a committee of the San Francisco Board of Supervisors studied Kopp's proposal, some political problems were raised. "My colleagues wanted to make certain that an advertisement didn't interrupt the list of candidates for any given office," Kopp recalls. "They were afraid that people may not read through the whole list."

Fordem and Kopp have appealed to the County Supervisors Association of California (CSAC) for support for their proposal. San Diego County Counsel Don Clark has been instructed by his board to determine what, if any, legislation is required to implement such a program. But Supervisor Hedgecock is not convinced. "It is hard enough nowadays getting people to participate in the electoral process without turning their ballot materials into junk mail," he says.

Fordem's assistant Jim Sills disagrees. "Supervisor Fordem recently had to fight to find \$75,000 in the budget for back-country ambulance service," Sills says. "If we don't have to spend so much money to conduct elections, we'll have it for other services. It's a question of priorities." 🏠

BALLOT

English Leather
AFTER SHAVE
LOTION
4 FL. OZ.
339¢

GOODYEAR
SERVICE STORES
LUBE AND OIL
CHANGE
\$9
MAKE SERVICE
YOUR CHOICE
\$88

POPOV'S FARM
SNACK CRACKERS
4.99¢

PRICED AS LOW AS
\$7624

enthusiastic. "Junk advertising" is the judgment of Al LeSage, vice president for media of San Diego's large Phillips Ramsey advertising agency. "It's like putting a message in a high school yearbook or on a matchbook."

To be effective, an advertisement must be able to make a clear pitch to the audience, LeSage says. That would not be possible under the proposal advanced by Ortiz, who has suggested institutional advertisements similar to those of corporate sponsors of public television programs. Under the Ortiz plan, various approved slogans like "Vote early" or "Get your absentee ballot" would be boldly printed in the pamphlet, with a credit line and perhaps a logo following in smaller

Donald H. Harrison is a free-lance writer in San Diego.

The entry of politics into the business called sports

By KERRY DRAGER

America's sporting pastimes are growing up. Last summer, more action took place around the bargaining table and in the courtroom than at the baseball stadium. Likewise, sports are being discussed more often in the state Legislature. Most of the talk involves whether or not to put new restraints on an industry that has long enjoyed "hands-off" status.

For years, while boxing and horse racing were dominated by state regulation, professional team sports remained relatively free of governmental control. However, last year's baseball strike, the Raiders' antitrust trial and the multi-million dollar player negotiations have heightened public awareness that pro sports are indeed big business. In an era of deregulation of other industries, California's ballclubs face significant government intervention for the first time.

Many of the proposed restraints concern the rights of teams — particularly those whose communities have long supported them — to pull up stakes in search of greener playing fields. Assemblyman Bill Lockyer of Alameda has proposed legislation to place California's pro teams under the regulatory arm of the state Athletic Commission, which would have the final say in whether a franchise could leave its host city. "I think a team should have some kind of a commitment, ethically if not legally, to the people who have suffered with them and built them up," says Lockyer.

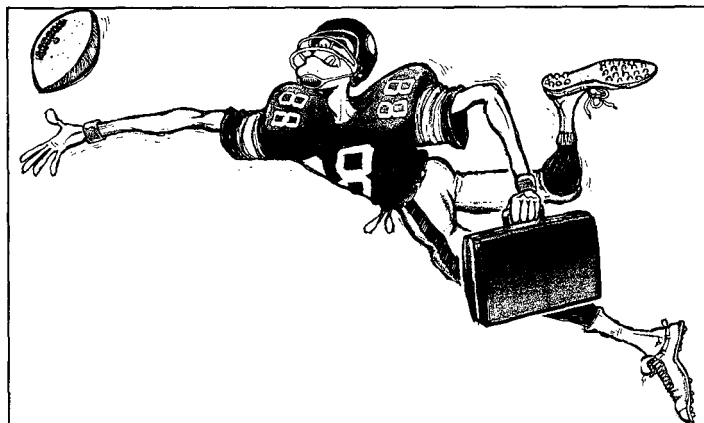
Following the Los Angeles Rams' move to Anaheim in 1980, Assembly majority leader Mike Roos sought redress. "This multi-million-dollar company continues to use our city's name, even though they play nearly 40 miles away," the LA Democrat says. "They have not offered to compensate our city and county, although they cost our community nearly \$2 million in lost taxes and wages when they left . . . Our community names are valuable. They should not be abused by teams who proclaim their loyalty but actually do not care."

Most team officials concede that their operations are full-fledged businesses, but few believe that the industry needs to be regulated from the outside. Says Corey Busch, vice president of administration of the San Francisco Giants: "We operate under the same laws as any other business, and I don't think there's a need for any special laws to govern the operation of professional sports. Generally speaking, the state doesn't need to get more deeply involved in the running of our business any more than they need to get deeply involved in the running of most businesses. We're moving away from government regulation. You're seeing that at all levels."

Pro teams already operate under tight controls from within, and club officials want it to stay that way. Most ballclub owners believe their leagues are capable of governing themselves. Some are even proclaiming their opposition to

any regulation, including that of their peers. Best known among them is Raiders' managing partner Al Davis, who defied an NFL rule requiring league approval of team transfers. The resulting court fight lasted much of last summer and ended in a hung jury.

A number of California's big league teams are ensuring that their voices are heard in Sacramento. They have turned to lobbyist Houston B. (Pete) Sandford, who represents both the Los Angeles Dodgers and the San Francisco



Giants, as well as the two LA teams owned by Jerry Buss — basketball's Lakers and hockey's Kings.

"Pete Sandford knows well the administration of a baseball club, so he's able to spot legislation that might be of interest to us," says the Giants' Busch, who has a background in San Francisco politics. And those issues? "Taxation, legislation relative to sports agents, athletic representation, artificial turf fields — any one of a number of things, some of which are directly related to sports, others of which affect us as a business doing business in the state of California."

Major sports bills proposed recently have dealt mainly with team transfers, franchise names and sports agents. Among them:

- **Sports agents.** A bill (AB 440) requiring sports agents to be licensed by the state was passed by the Legislature late in the 1981 session and signed by the governor. Sponsored by the National Football League Players Association and carried by Assemblyman Lockyer, the new law means agents representing professional athletes in California must obtain a state license similar to one for Hollywood talent agents. Agents must also obtain approval of all form contracts, submit to the state labor commissioner all disputes between themselves and their athletes and post a \$10,000 performance bond to cover damages or lost compensation.

- **Team transfers.** Last year, Lockyer sponsored legislation (aimed at the Oakland Raiders' move to Los Angeles) that would have required a California team to file an economic impact report with the state Athletic Commission prior to transferring a franchise from one county to another. The bill died, but Lockyer notes: "I would cer-

Kerry Drager is a free-lance writer in Sacramento and a regular contributor to the Journal.

tainly like to see the Raiders stay in Oakland. We put up with a good 10 years of terrible football to get them to where they are today. The community has a great stake in them."

However, Lockyer says, a city may be able to keep its franchise by means other than legislative action. For instance, there should be incentives for a team to stay and to realize a reasonable profit, he says. The legal framework of a regular business contract probably is sufficient for a city to protect itself, according to Lockyer.

• **Franchise names.** Assemblyman Roos has authored a bill to prevent ballclubs from using the names of cities or counties in which they do not play, unless permission is granted. The measure is targeted at the Rams. Roos insists that he is not trying to interfere with the Rams' business operation. He got involved, he says, because there is more to the issue than fans upset over the loss of their team.

Because the Rams chose to "divorce" Los Angeles, says Roos, the team should be forced to pay "alimony" for continued use of the city's name. He points out that government subsidizes pro franchises in many ways — through "sweetheart contracts" with coliseum commissions and other agencies, and through the floating of bonds for building stadiums. "There's a lot of give and take between them," he says. "When the Dodgers came to Los Angeles you wouldn't believe what kind of incentives the city of Los Angeles gave the O'Malleys. It was staggering. And you also have all sorts of regulations, such as TV blackouts in the jurisdiction in which the team plays — unprecedented types of regulations.

Not surprisingly, the Rams oppose Roos' measure. "We don't want to change our name," says Rams spokesman Jerry Wilcox. "We feel we're a team that represents an area — the entire Los Angeles area. It's a name we've had since 1946." Wilcox adds that nearly 90 percent of the Rams season-ticket holders renewed from 1979 to 1980, "which means the move to Anaheim didn't really disturb all that many people." He also notes that a franchise area covers the television-viewing region, and Los Angeles fans see more Rams home games on TV than ever before, due to more sell-outs in Anaheim. The Rams rarely filled the cavernous Los Angeles Coliseum.

"This isn't anything new," Wilcox adds. "Teams are moving into new stadiums in the suburbs all the time. Our suburb just happens to be in another county." He also cites NFL precedents: the Dallas Cowboys, who play in Irving, Texas; the Detroit Lions in Pontiac, Michigan; and the New York Giants in New Jersey.

The antitrust question

Pro team sports face possible encroachment not only from the state but from the federal government as well. In 1922, a U.S. Supreme Court decision exempted baseball from antitrust laws because it was not trade or commerce within the meaning of the Sherman Act and it was not interstate in nature. However, Abbott Lipsky Jr., deputy assistant U.S. attorney general, told the House subcommittee on monopolies last year that his office sees no reasonable justification for the sport's immunity. "It has been the position of the antitrust division for some time that baseball's exemption is an anachronism and should be eliminated," he said.

The Giants' Corey Busch disagrees. "You have to look at baseball as really one company with 26 branch offices," he says. "The teams are not in competition with each other, except on the field. We are one industry and really one business. We all survive based upon the strength of all the other ballclubs."

A similar argument failed to impress the federal judge in the NFL-Raiders antitrust trial. He ruled that the NFL is not a single enterprise, but a collection of autonomous busi-

nesses. "No two clubs have a common owner," Judge Harry Pregerson said. "The clubs share a large part . . . of their revenues but do not share profits or losses. They are managed independently."

Pro team sports are actually among the last ones to be affected by government regulation. Elsewhere in the sporting world:

Horse racing — When horse racing was first allowed in California, most aspects of its operation were left to the Legislature. As a result, the sport became a completely regulated state industry. The state governs where and when an event can be held, what kind of horse can be raced, what is paid in taxes, and what is paid to the jockeys, the horse owners and the track.

Parke Terry, consultant to the Assembly Governmental Organization, sees little, if any, additional state involvement in the sport. "There are always at least a dozen horse racing bills floating around at any time," he says. "We've regulated it so much that it needs fine tuning constantly."

Boxing — Another heavily controlled sport is boxing, which also includes kick boxing and full-contact karate. Such intervention is essential, says Steven English, assistant executive officer of the state Athletic Commission. "There are aspects that require regulation," he says, "and we're not going to give up that regulation when we feel it's necessary. We have three basic assignments at a fight — in the dressing room, at ringside and at the box office. There is much more behind the scenes at a boxing show than one could ever imagine. If we're not there, you open the door to skimming at the box office, to organized crime and to fight-fixing."

The big boxing bill passed last year was AB 2232 by Assemblyman Larry Kapiloff. It is designed to make California more competitive with other states in regard to the tax charged to promoters on receipts for television rights. Nevada currently has a 3 percent tax on TV receipts — considerably more attractive to boxing promoters than the 5 percent previously charged in California. Kapiloff's bill reduced the tax to 2 percent to attract more big-name boxing matches and thus increase revenues to the state Athletic Commission.

Wrestling — Kapiloff's bill also would deregulate wrestling exhibitions — the outcomes of which, under state law, may be determined beforehand. The Athletic Commission considers these wrestling exhibitions to be more theatrical in nature than athletic, with regulation of their conduct unnecessary. "It's much more of a performance," says English. "It borders on a stage show rather than a competitive situation. It's not a contest of one's physical abilities and skills versus another's."

Both Roos and Lockyer agree that the Legislature is unlikely to impose sanctions to prevent team moves. "I am not sure there is any constitutional way you can tell the owners of what is essentially a private corporation that they can't make a business decision of one kind or another," Lockyer says. "We're going to keep looking around for a way, but I'm not sure we'll ever be successful."

Roos believes that the Legislature may intervene in the future in other aspects of professional team sports. "I think it's always a possibility in the Legislature, particularly with the proliferation of sports and the way that they're now viewed by the public — almost as an unruly group, what with the baseball strike and all."

Lockyer thinks that future issues will involve the relationship among players, teams and agents. And, he points out, there may be quite a bit of legal action ahead, due to growing interest in sports law. "If that phenomenon continues," he says, "then you can be sure that, farther down the line, sports legal questions will begin to appear with greater frequency in the Legislature — just as night follows day."

More than a small change for 'The People's Court'

By RICK DOWER

Small Claims Court may be the lowest cog in the gears of state justice but it is indisputably the busiest. In any given month, about 35,000 claimants file for their day in what has been called "The People's Court." They seek satisfaction for lousy repair jobs, unpaid rent, withheld deposits, junky products that don't work, broken contracts and broken promises. More small-claims cases are filed each year and for increasingly larger amounts. For many normally law-abiding citizens, appearances in Small Claims Court may be their first and only brushes with courtroom justice in their lifetimes.

Now, after two years of trying, the state Legislature has given its blessing to a major overhaul of the state's 60-year-old Small Claims Court, set to take effect this month. The claim limit has been raised to \$1,500; night and weekend sessions are required for the first time in most courts; and every claimant has the right to legal advice, paid for by increased filing fees.

The changes are probably the most sweeping in California since Small Claims Court was established 60 years ago as a means of settling minor money disputes between individuals. The new legislation (SB 10) was carried by Senator Milton Marks, a San Francisco Republican and former municipal judge, and signed into law by Governor Jerry Brown last fall.

Marks' bill grew out of a series of studies concluded last year by the Small Claims Court Experimental Project under the Department of Consumer Affairs. After three years of research in a handful of selected municipal courts around the state, the project panel recommended:

- Raising the monetary limit on Small Claims cases from \$750 (the maximum since 1977) to \$1,500;
- Requiring larger courts to hold at least one night or Saturday session per month; and
- Requiring all 58 counties to provide for some type of legal-adviser program to help claimants unable or unwilling to hire an attorney.

Marks' legislation includes all of the recommendations; it also hikes the fee from \$2 to \$6 for individuals filing fewer than 12 claims a year, and to \$12 for individuals or companies filing more than 12 claims a year. The difference in fees is to ensure that the primary role of the court remains "as a forum for the resolution of disputes between individuals," according to Marks. The higher fees are supposed to offset any added costs to local courts from either the extended hours or the advisers' program — a point which county officials dispute.

Unhappy county officials

Marks' measure was backed by virtually every major consumer-interest group in the state, as well as by the state attorney general's office, the Judicial Council and the Legal Services unit of the State Bar Association. The Bar's Com-



mittee on the Administration of Justice opposed some provisions of the bill, and county officials disliked the whole idea of a state-mandated program that might cost them more money just as their post-Proposition 13 budgets are shrinking.

Steve Zehner, who lobbied against the bill for the County Supervisors Association of California, said the planned increase in filing fees would not be enough to cover the counties' added expenses. Zehner would like to see the filing fees increased much more to help offset the \$15 to \$17 he says that counties already spend to process each small-claims application.

Zehner complains that the main beneficiaries of the legislation will be large urban populations. Smaller counties will have less demand for night and weekend sessions but will still have to provide them, he says. Up to now, counties have had the option of permitting extra sessions and legal advisers if demand was great enough. Zehner calls Marks' measure "inflexible." (Only courts with four or more judges will be expected to hold extended sessions, however.)

Mark Ryser, who was Marks' primary staff aide for the bill, disputes CSAC's argument about the increase in costs. "Our contention is that justice has never paid for itself," Ryser says. "The bill was never intended to try to make Small Claims Court self-supporting."

The maximum which a person can try to collect was doubled to \$1,500 because inflation has upped the ante in most disputes, Ryser says. (A claim limit of \$50 was set by the state in 1933, and since then it has been raised six times, mostly within the past 20 years.) Also, there has been a "no-man's land" for claimants who have had a case worth more than \$750 but still substantially less than a lawyer would probably be interested in helping recover. "It is almost impossible to find an attorney who can take a case worth under

Rick Dower covers the Capitol for the San Francisco Examiner.

\$1,500," Ryser says. "Maybe they won't even take anything under \$2,500, but I don't think people are ready to raise the limit like that yet."

In keeping with its person-to-person atmosphere, Small Claims Court rules ban attorneys from being present during the court session itself, although litigants may consult with attorneys beforehand. Collection agencies are also prohibited from filing claims, but individual representatives of companies are allowed to try to collect unpaid bills in the court. Either side may appeal the Small Claims judge's decision to the Municipal Court, where lawyers are permitted.

Toll-free consultations

San Francisco Municipal Judge Roy Wonder, whose court was used for one of the experiments with legal advisers, likes the idea of requiring government-supported experts — law clerks, law students, paralegals or full-fledged attorneys — to help guide litigants through the small-claims process. Judges should welcome the legislation because well-informed participants can speed up the sessions and make better cases for themselves, Wonder believes.

To ease the burden on smaller counties where demand is less, the adviser programs will be flexible. There are plans

in the works to set up a statewide, toll-free telephone number which small-claims litigants may call for consultation on their claims. Larger counties may also agree to lend their advisers to smaller, nearby counties if the need arises.

Meanwhile, court officials statewide are bracing for an expected onslaught of new small-claims filers encouraged by the scheduled changes. Wonder predicts that the number of claims could increase by as much as 30 percent a year because of the new rules.

Steve Birdleough, a spokesman for the state Judicial Council, which is charged with overseeing the implementation of the small-claim advisers' system, says some members of the Council had a hard time making up their minds whether or not to support the reform bill. "Generally, it's a good bill for judges," he says. "It'll make them work more nights, and they don't like that. But it will provide them with legal advisers for the claimants, and they like that. So it's a mixed bag."

Birdleough says disputes over the particulars of the bill were overshadowed by the desire of nearly everyone involved to insure that the system remains fair and accessible to as many people as possible. "Small Claims Court serves an awful lot of people," he says. "We should do everything we can to make it a positive experience."



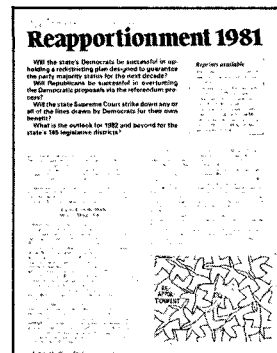
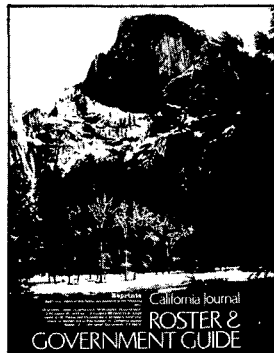
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Perspective from

WASHINGTON

By Leo Rennert

Delegation report card

A year ago, as the 97th Congress prepared to open for business, some California lawmakers spoke bravely of strengthening the legislative effectiveness of the state's 45-member delegation. Despite its big numbers on Capitol Hill, California had not been able to get its act together and often was outpointed by other regional blocs — particularly the Northeast and Midwest — in fights over how the federal spending pie is cut up geographically.

DURING THE 1970s, Young Turks in the California delegation blamed this state of affairs on poor leadership performance of aging veterans who held the reins of power. But this time, there seemed to be a “window of opportunity” to turn things around. There were chairmanship vacancies on both the GOP and Democratic sides of the delegation due to the 1980 retirement of Republican Bob Wilson of San Diego and the defeat of Democrat Harold T. (Bizz) Johnson of Roseville. The success of the Frost Belt coalition in capturing an increasingly bigger share of domestic expenditures had sent off alarm bells throughout the Sun Belt, including California. Winds of change appeared in the offing.

Today, a year later, the results are not very impressive. The Democratic delegation, under its new chairman, Don Edwards of San Jose, has found a new sense of cohesion. But its energies have been channeled almost entirely in partisan directions — reapportionment, raising money for the 1982 campaign and calling press conferences to blast Reagan policies. The Republican delegation, under Don Clausen of Crescent City, has been even less innovative. Most of the time, it marches quite happily to the tune of the White House. It has kept a close eye on 1982 re-election contests under a Democratic redistricting plan. And much of its energy has been sapped by the decision of leading members like Barry Goldwater Jr., Paul McCloskey and Bob Dornan to seek new political pastures by challenging Republican Senator S. I. Hayakawa in the June primary.

When it comes to harnessing its full potential power on a bipartisan basis, the California delegation remains a divided group in search of a mission. Unlike the Frost Belt, which actively pursues federal dollars with a highly organized and well-staffed coalition without regard to party lines, California's performance is splintered, haphazard and often too late. There's bound to be a new round of bitter inter-regional fights in the 1982 session over budget cuts and spending priorities as the Reagan White House tries to cope with runaway deficits and a worsening recession. Each region, quite naturally, will try to protect its interests and dump most of the sacrifice on someone else. There's no reason to believe California will be well prepared for these battles. The delegation did little to marshal its forces in 1981.

In retrospect, it's rather easy to see why there's been so little progress. For Californians on Capitol Hill, this has been an intensely partisan year. Fights over reapportionment and Reagan programs became so fierce that Democrats and Republicans just weren't in the mood to find common ground on home-state issues and problems that otherwise might have lent themselves to non-partisan treatment. The Democratic side of the delegation was more interested in recapturing seats lost in 1980 and in rear-guard battles to stave off Reagan assaults on social programs. Republicans spent much of their time battling against the Democratic reapportionment blueprint devised

by Phil Burton of San Francisco. And unlike GOP “gypsy moths” of the Northeast and Midwest who refused to go along with Reagan budget cuts that might hurt their region, California Republicans remained loyal to the White House. Time and again, when the roll was called on the House floor, Californians split entirely along party lines — more so than in pre-Reagan years. No bipartisan bridges could span that chasm.

There also was a clear signal at the start of 1981 that California lawmakers were not itching for great reforms in the way the delegation conducts its business. Some younger members made a brief attempt at toppling the seniority system and asked Burton to run for chairman of the Democratic delegation. But he had other axes to grind, principally reapportionment, and decided it was in his own interest to let Edwards assume the mantle under traditional seniority rules. Republicans similarly stuck with seniority in picking Clausen as their new leader. The old order bowed out, but the old ways prevailed.

Since the delegation failed to assert itself as a unified force, the spotlight focused more on individuals elbowing their way to the top. Burton unquestionably remains the dominant figure. But there was enough room at the top for three other Democrats to stake new claims of influence and potential leadership — Leon Panetta of Monterey, Tony Coelho of Merced and Henry Waxman of Los Angeles. Panetta earned his spurs as a key strategist for Democrats in their budget fights with the White House. He is highly regarded for his mastery of the budget process, although liberals tend to be wary of his fiscal conservatism. When many other Democrats panicked before the Reagan juggernaut, Panetta kept his cool. His star is now clearly on the rise. Coelho zoomed into the leadership with an aggressive and successful bid for the chairmanship of the House Democratic Campaign Committee. He has become a major party fund-raiser and a key link to agribusiness and other special interests. Driven by hard work and ambition, he's obviously looking for even bigger plums.

WAXMAN MADE A BIG SPLASH when he used his chairmanship of a House health subcommittee to block Reagan's efforts to slash Medicaid and other health programs. While Panetta gained points for budget accommodations on the inside, Waxman received plaudits on the outside from governors and liberal constituencies fighting to protect domestic programs. Waxman also worked closely on reapportionment with Burton and with the other member of the Waxman-Berman “machine” — Assemblyman Howard Berman. If redistricting sends Berman and other members of the Waxman-Berman group to Congress, Waxman could become an increasingly important figure in the California delegation.

On the GOP side, there was less room for leadership displays with a California Republican in the White House. The watchword in the Republican delegation was to follow, not to strike out in new directions. Still, two figures stood out from the pack — John Rousselot of San Marino, a political and legislative wizard who exercises unparalleled influence in the GOP contingent, and Bill Thomas of Bakersfield, who had the thankless task of defending Republican interests against Burton's reapportionment plots.

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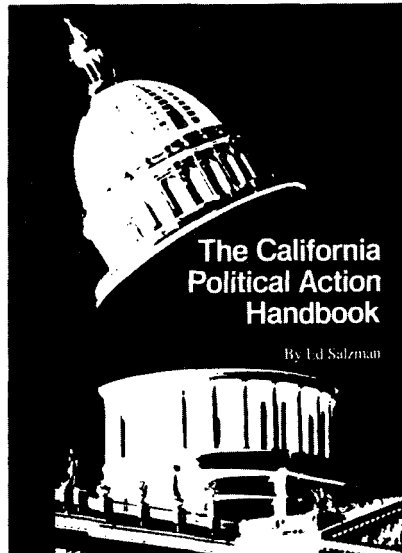
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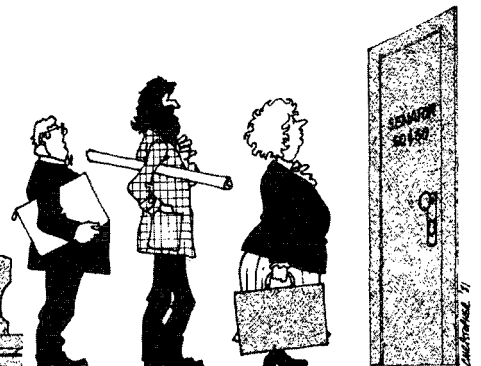
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secures more votes for a measure
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